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U. S. DEPARTMENT OF AGRICULTURE

# UNITED STATES DEPARTMENT OF AGRICULTURE

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# FEDERAL LEGISLATION, RULINGS, AND REGULATIONS AFFECTING THE STATE AGRICULTURAL EXPERIMENT STATIONS

*Compiled in the Office of Experiment Stations*

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## LEGISLATION AFFECTING THE LAND-GRANT COLLEGES OF WHICH THE AGRICULTURAL EXPERIMENT STA- TIONS ARE A PART

### ACT OF 1862 DONATING LANDS FOR COLLEGES OF AGRICULTURE AND MECHANIC ARTS

[First Morrill Act]

AN ACT Donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That there be granted to the several States, for the purposes hereinafter mentioned, an amount of public land, to be apportioned to each State a quantity equal to thirty thousand acres for each Senator and Representative in Congress to which the States are respectively entitled by the apportionment under the census of eighteen hundred and sixty; *Provided*, That no mineral lands shall be selected or purchased under the provisions of this act.

SEC. 2. *And be it further enacted*, That the land aforesaid, after being surveyed shall be apportioned to the several States in sections or subdivisions of sections, not less than one-quarter of a section; and whenever there are public lands in a State subject to sale at private entry at one dollar and twenty-five cents per acre, the quantity to which said State shall be entitled shall be selected from such lands within the limits of such State, and the Secretary of the Interior is hereby directed to issue to each of the States in which there is not the quantity of public lands subject to sale at private entry at one dollar and twenty-five cents per acre to which said State may be entitled under the provisions of this act land scrip to the amount in acres for the deficiency of its distributive share; said scrip to be sold by said States and the proceeds thereof applied to the uses and purposes prescribed in this act and for no other use or purpose whatsoever: *Provided*, That in no case shall any State to which land scrip may thus be issued be allowed to locate the same within the limits of any other State or of any Territory of the United States, but their assignees may thus locate said land scrip upon any of the unappropriated lands of the United States subject to sale at private entry at one dollar and twenty-five cents, or less, per acre: *And provided further*, That not more than one million acres shall be located by such assignees in any one of the States: *And provided further*, That no such location shall be made before one year from the passage of this act.

SEC. 3. *And be it further enacted*, That all the expenses of management, superintendence, and taxes from date of selection of said lands, previous to their sales, and all expenses incurred in the management and disbursement of the moneys which may be received therefrom, shall be paid by the States to which they may belong, out of the treasury of said States, so that the entire proceeds of the sale of said lands shall be applied without any diminution whatever to the purposes hereinafter mentioned.

SEC. 4 (original). *And be it further enacted*, That all moneys derived from the sale of the lands aforesaid by the States to which the lands are apportioned, and from the sales of land scrip hereinbefore provided for, shall be invested in stocks of the United States or of the States, or some other safe stocks, yielding not less than five per centum upon the par value of said stocks; and that the moneys so invested shall constitute a perpetual fund, the capital of which shall remain forever undiminished (except so far as may be provided in section five of this act), and the interest of which shall be inviolably appropriated by each State which may take and claim the benefit of this act, to the endowment, support, and maintenance of at least one college where the leading object shall be, without excluding other scientific and classical studies, and including military tactics, to teach such branches of learning as are related to agriculture and the mechanic arts, in such manner as the legislatures of the States may respectively prescribe, in order to promote the liberal and practical education of the industrial classes in the several pursuits and professions in life.

SEC. 4 (as amended Mar. 3, 1883). That all moneys derived from the sale of lands aforesaid by the States to which lands are apportioned, and from

the sales of land scrip hereinbefore provided for, shall be invested in stocks of the United States or of the States, or some other safe stocks; or the same may be invested by the States having no State stocks in any other manner after the legislatures of such States shall have assented thereto, and engaged that such funds shall yield not less than five per centum upon the amount so invested and that the principal thereof shall forever remain unimpaired: *Provided*, That the moneys so invested or loaned shall constitute a perpetual fund, the capital of which shall remain forever undiminished (except so far as may be provided in section five of this act), and the interest of which shall be inviolably appropriated, by each State which may take and claim the benefit of this act, to the endowment, support, and maintenance of at least one college where the leading object shall be, without excluding other scientific and classical studies, and including military tactics, to teach such branches of learning as are related to agriculture and the mechanic arts, in such manner as the legislatures of the States may respectively prescribe, in order to promote the liberal and practical education of the industrial classes in the several pursuits and professions in life.

*SEC. 5. And be it further enacted*, That the grant of land and land scrip hereby authorized shall be made on the following conditions, to which, as well as to the provisions hereinbefore contained, the previous assent of the several States shall be signified by legislative acts:

First. If any portion of the fund invested, as provided by the foregoing section, or any portion of the interest thereon, shall, by any action or contingency, be diminished or lost, it shall be replaced by the State to which it belongs, so that the capital of the fund shall remain forever undiminished; and the annual interest shall be regularly applied without diminution to the purposes mentioned in the fourth section of this act, except that a sum, not exceeding ten per centum upon the amount received by any State under the provisions of this act, may be expended for the purchase of lands for sites or experimental farms whenever authorized by the respective legislatures and States.

Second. No portion of said fund, nor the interest thereon, shall be applied directly or indirectly, under any pretense whatever, to the purchase, erection, preservation, or repair of any building or buildings.

Third. Any State which may take and claim the benefit of the provisions of this act shall provide, within five years, at least not less than one college, as described in the fourth section of this act, or the grant to such State shall cease; and said State shall be bound to pay the United States the amount received of any lands previously sold and that the title to purchasers under the State shall be valid.

Fourth. An annual report shall be made regarding the progress of each college, recording any improvements and experiments made, with their cost and results, and such other matters, including State industrial and economical statistics, as may be supposed useful, one copy of which shall be transmitted by mail free, by each, to all the other colleges which may be endowed under the provisions of this act, and also one copy to the Secretary of the Interior.

Fifth. When lands shall be selected from those which have been raised to double the minimum price, in consequence of railroad grants, they shall be computed to the States at the maximum price and the number of acres proportionately diminished.

Sixth. No State while in a condition of rebellion or insurrection against the Government of the United States shall be entitled to the benefit of this act.

Seventh. No State shall be entitled to the benefits of this act unless it shall express its acceptance thereof by its legislature within two years from the date of its approval by the President.

*SEC. 6. And be it further enacted*, That land scrip issued under the provisions of this act shall not be subject to location until after the first day of January, one thousand eight hundred and sixty-three.

*SEC. 7. And be it further enacted*, That the land officers shall receive the same fees for locating land scrip issued under the provisions of this act as is now allowed for the location of military bounty land warrants under existing laws: *Provided*, That their maximum compensation shall not be thereby increased.

*SEC. 8. And be it further enacted*, That the governors of the several States to which scrip shall be issued under this act shall be required to report annually

to Congress all sales made of such scrip until the whole shall be disposed of, the amount received for the same, and what appropriation has been made of the proceeds.

Approved, July 2, 1862 (12 Stat.L. 503).

**ACT OF 1866 EXTENDING THE TIME WITHIN WHICH LAND-GRANT COLLEGES MAY BE ESTABLISHED**

[Amendment of first Morrill Act]

AN ACT To amend the fifth section of an act entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," approved July 2, 1862, so as to extend the time within which the provisions of said act shall be accepted and such colleges established

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the time in which the several States may comply with the provisions of the act of July second, eighteen hundred and sixty-two, entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," is hereby extended so that the acceptance of the benefits of the said act may be expressed within three years from the passage of this act, and the colleges required by the said act may be provided within five years from the date of the filing of such acceptance with the Commissioner of the General Land Office: *Provided*, That when any Territory shall become a State and be admitted into the Union such new State shall be entitled to the benefits of the said act of July second, eighteen hundred and sixty-two, by expressing the acceptance therein required within three years from the date of its admission into the Union, and providing the college or colleges within five years after such acceptance, as prescribed in this act: *Provided further*, That any State which has heretofore expressed its acceptance of the act herein referred to shall have the period of five years within which to provide at least one college, as described in the fourth section of said act, after the time for providing said college, according to the act of July second, eighteen hundred and sixty-two, shall have expired.

Approved, July 23, 1866 (14 Stat.L. 208).

**ACT OF 1890 FOR THE FURTHER ENDOWMENT OF LAND-GRANT COLLEGES**

[Second Morrill Act]

AN ACT To apply a portion of the proceeds of the public lands to the more complete endowment and support of the colleges for the benefit of agriculture and the mechanic arts established under the provisions of an act of Congress approved July second, eighteen hundred and sixty-two

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That there shall be, and hereby is, annually appropriated, out of any money in the Treasury not otherwise appropriated, arising from the sales of public lands, to be paid as hereinafter provided, to each State and Territory for the more complete endowment and maintenance of colleges for the benefit of agriculture and the mechanic arts now established, or which may be hereafter established, in accordance with an act of Congress approved July second, eighteen hundred and sixty-two, the sum of fifteen thousand dollars for the year ending June thirtieth, eighteen hundred and ninety, and an annual increase of the amount of such appropriation thereafter for ten years by an additional sum of one thousand dollars over the preceding year, and the annual amount to be paid thereafter to each State and Territory shall be twenty-five thousand dollars, to be applied only to instruction in agriculture, the mechanic arts, the English language and the various branches of mathematical, physical, natural, and economical science, with special reference to their applications in the industries of life and to the facilities for such instruction: *Provided*, That no money shall be paid out under this act to any State or Territory for the support and maintenance of a college where a distinction of race or color is made in the admission of students, but the establishment and maintenance of such colleges separately for white

and colored students shall be held to be a compliance with the provisions of this act if the funds received in such State or Territory be equitably divided as hereinafter set forth: *Provided*, That in any State in which there has been one college established in pursuance of the act of July second, eighteen hundred and sixty-two, and also in which an educational institution of like character has been established, or may be hereafter established, and is now aided by such State from its own revenue, for the education of colored students in agriculture and the mechanic arts, however named or styled, or whether or not it has received money heretofore under the act to which this act is an amendment, the legislature of such State may propose and report to the Secretary of the Interior a just and equitable division of the fund to be received under this act, between one college for white students and one institution for colored students, established as aforesaid, which shall be divided into two parts, and paid accordingly and thereupon such institution for colored students shall be entitled to the benefits of this act and subject to its provisions, as much as it would have been if it had been included under the act of eighteen hundred and sixty-two, and the fulfillment of the foregoing provisions shall be taken as a compliance with the provision in reference to separate colleges for white and colored students.

SEC. 2. That the sums hereby appropriated to the States and Territories for the further endowment and support of colleges shall be annually paid on or before the thirty-first day of July of each year, by the Secretary of the Treasury, upon the warrant of the Secretary of the Interior, out of the Treasury of the United States, to the State or Territorial treasurer, or to such other officer as shall be designated by the laws of such State or Territory to receive the same, who shall upon the order of the trustees of the college or the institution for colored students, immediately pay over said sums to the treasurers of the respective colleges or other institutions entitled to receive the same, and such treasurers shall be required to report to the Secretary of Agriculture and to the Secretary of the Interior on or before the first day of September of each year a detailed statement of the amount so received and of its disbursement. The grants of moneys authorized by this act are made subject to the legislative assent of the several States and Territories to the purpose of said grants: *Provided*, That payments of such installments of the appropriation herein made as shall become due to any State before the adjournment of the regular session of legislature meeting next after the passage of this act shall be made upon the assent of the governor thereof, duly certified to the Secretary of the Treasury.

SEC. 3. That if any portion of the moneys received by the designated officer of the State or Territory for the further and more complete endowment, support, and maintenance of colleges, or of institutions for colored students, as provided in this act, shall, by any action or contingency, be diminished or lost, or be misapplied, it shall be replaced by the State or Territory to which it belongs, and until so replaced no subsequent appropriation shall be apportioned or paid to such State or Territory; and no portion of said moneys shall be applied, directly or indirectly, under any pretense whatever, to the purchase, erection, preservation, or repair of any building or buildings. An annual report by the president of each of said colleges shall be made to the Secretary of Agriculture, as well as to the Secretary of the Interior, regarding the condition and progress of each college, including statistical information in relation to its receipts and expenditures, its library, the number of its students and professors, and also as to any improvements and experiments made under the direction of any experiment stations attached to said colleges, with their cost and results and such other industrial and economical statistics as may be regarded as useful, one copy of which shall be transmitted by mail free to all other colleges further endowed under this act.

SEC. 4. That on or before the first day of July in each year, after the passage of this act, the Secretary of the Interior shall ascertain and certify to the Secretary of the Treasury as to each State and Territory whether it is entitled to receive its share of the annual appropriation for colleges, or of institutions for colored students, under this act, and the amount which thereupon each is entitled, respectively, to receive. If the Secretary of the Interior shall withhold a certificate from any State or Territory of its appropriation, the facts and reasons therefor shall be reported to the President, and the amount involved shall be kept separate in the Treasury until the close of the next Congress, in order that the State or Territory may, if it should so desire, appeal to Congress from the determination of the Secretary of the Interior. If the next Congress

shall not direct such sum to be paid, it shall be covered into the Treasury. And the Secretary of the Interior is hereby charged with the proper administration of this law.

SEC. 5. That the Secretary of the Interior shall annually report to Congress the disbursements which have been made in all the States and Territories, and also whether the appropriation of any State or Territory has been withheld, and, if so, the reasons therefor.

SEC. 6. Congress may at any time amend, suspend, or repeal any or all of the provisions of this act.

Approved August 30, 1890 (26 Stat.L. 417).

### SOURCE OF FUNDS

Extract from an act providing for free homesteads on the public lands

In the event that the proceeds of the annual sales of the public lands shall not be sufficient to meet the payments heretofore provided for agricultural colleges and experimental stations by an act of Congress, approved August 30, 1890 [26 Stat.L. 417], for the more complete endowment and support of the colleges for the benefit of agriculture and mechanic arts, established under the provisions of an act of Congress, approved July 2, 1862 [12 Stat.L. 503], such deficiency shall be paid by the United States.

Approved May 17, 1900.

### NELSON AMENDMENT FURTHER ENDOWING THE LAND-GRANT COLLEGES

Extract from the act making appropriations for the United States Department of Agriculture for the fiscal year ended June 30, 1908

That there shall be, and hereby is, annually appropriated, out of any money in the Treasury not otherwise appropriated, to be paid as hereinafter provided, to each State and Territory for the more complete endowment and maintenance of agricultural colleges now established, or which may hereafter be established, in accordance with the act of Congress approved July second, eighteen hundred and sixty-two, and the act of Congress approved August thirtieth, eighteen hundred and ninety, the sum of five thousand dollars, in addition to the sums named in the said act, for the fiscal year ending June thirtieth, nineteen hundred and eight, and an annual increase of the amount of such appropriation thereafter for four years by an additional sum of five thousand dollars over the preceding year, and the annual sum to be paid thereafter to each State and Territory shall be fifty thousand dollars, to be applied only for the purposes of the agricultural colleges as defined and limited in the act of Congress approved July second, eighteen hundred and sixty-two, and the act of Congress approved August thirtieth, eighteen hundred and ninety.

That the sum hereby appropriated to the States and Territories for the further endowment and support of the colleges shall be paid by, to, and in the manner prescribed by the act of Congress approved August thirtieth, eighteen hundred and ninety, entitled "An act to apply a portion of the proceeds of the public lands to the more complete endowment and support of the colleges for the benefit of agriculture and the mechanic arts established under the provisions of an act of Congress approved July second, eighteen hundred and sixty-two," and the expenditure of the said money shall be governed in all respects by the provisions of the said act of Congress approved July second, eighteen hundred and sixty-two, and the said act of Congress approved August thirtieth, eighteen hundred and ninety: *Provided*, That said colleges may use a portion of this money for providing courses for the special preparation of instructors for teaching the elements of agriculture and the mechanic arts.

Approved, March 4, 1907 (34 Stat.L. 1256, 1281).

### GRANT OF LANDS TO ALASKA FOR EDUCATIONAL AND OTHER PURPOSES

AN ACT To reserve lands to the Territory of Alaska for educational uses, and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That when the public lands of the Territory of Alaska are surveyed, under direction of the Government of the

United States, sections numbered sixteen and thirty-six in each township in said Territory shall be, and the same are hereby, reserved from sale or settlement for the support of common schools in the Territory of Alaska; and section thirty-three in each township in the Tanana Valley between parallels sixty-four and sixty-five north latitude and between the one hundred and forty-fifth and the one hundred and fifty-second degrees of west longitude (meridian of Greenwich) shall be, and the same is hereby, reserved from sale or settlement for the support of a Territorial agricultural college and school of mines when established by the Legislature of Alaska upon the tract granted in section two of this act: *Provided*, That where settlement with a view to homestead entry has been made upon any part of the sections reserved hereby before the survey thereof in the field, or where the same may have been sold or otherwise appropriated by or under the authority of any act of Congress, or are wanting or fractional in quantity, other lands may be designated and reserved in lieu thereof in the manner provided by the act of Congress of February twenty-eighth, eighteen hundred and ninety-one (Twenty-sixth Statutes, page seven hundred and ninety-one): *Provided further*, That the Territory may, by general law, provide for leasing said land in area not to exceed one section to any one person, association, or corporation for not longer than ten years at any one time: *And provided further*, That if any of said sections, or any part thereof, shall be of known mineral character at the date of acceptance of survey thereof, the reservation herein made shall not be effective or applicable, but the entire proceeds or income derived by the United States from such sections sixteen and thirty-six and such section thirty-three in each township in the Tanana Valley area hereinbefore described, and the minerals therein, together with the entire proceeds or income derived from said reserved lands, are hereby appropriated and set apart as separate and permanent funds in the Territorial treasury, to be invested and the income from which shall be expended only for the exclusive use and benefit of the public schools of Alaska or of the agricultural college and school of mines, respectively, in such manner as the Legislature of Alaska may by law direct.

SEC. 2. That section numbered six, in township numbered one south of the Fairbanks base line and range numbered one west of the Fairbanks meridian; section numbered thirty-one, in township numbered one north of the Fairbanks base line and range numbered one west of the Fairbanks meridian; section numbered one, in township numbered one south of the Fairbanks base line and range numbered two west of the Fairbanks meridian; and section numbered thirty-six, in township numbered one north of the Fairbanks base line and range numbered two west of the Fairbanks meridian, be, and the same are hereby, granted to the Territory of Alaska, but with the express condition that they shall be forever reserved and dedicated to use as a site for an agricultural college and school of mines: *Provided*, That nothing in this act shall be held to interfere with or destroy any legal claim of any person or corporation to any part of said lands under the homestead or other law for the disposal of the public lands acquired prior to the approval of this act: *Provided further*, That so much of the said land as is now used by the Government of the United States as an agricultural experiment station may continue to be used for such purpose until abandoned for that use by an order of the President of the United States or by act of Congress.

Approved March 4, 1915 (38 Stat.L. 1214).

AN ACT Making an additional grant of lands for the support and maintenance of the Agricultural College and School of Mines of the Territory of Alaska, and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That in addition to the provision made by the act of Congress approved March 4, 1915 (Thirty-eighth Statutes at Large, page 1214), for the use and benefit of the Agricultural College and School of Mines, there is hereby granted to the Territory of Alaska, for the exclusive use and benefit of the Agricultural College and School of Mines, one hundred thousand acres of vacant nonmineral surveyed unreserved public lands in the Territory of Alaska, to be selected, under the direction and subject to the approval of the Secretary of the Interior, by the Territory, and subject to the following conditions and limitations:

Sec. 2. That the college and school provided for in this act shall forever remain under the exclusive control of the said Territory, and no part of the

proceeds arising from the sale or disposal of any lands granted herein shall be used for the support of any sectarian or denominational college or school.

SEC. 3. That it is hereby declared that all lands hereby granted to said Territory are hereby expressly transferred and confirmed to the said Territory and shall be by the said Territory held in trust, to be disposed of, in whole or in part, only in the manner herein provided and for the objects specified in the granting provisions, and that the natural products and money proceeds of any of said lands shall be subject to the same trusts as the lands producing the same. Disposition of any of said lands or of any money or thing of value directly or indirectly derived therefrom for any object other than that for which such particular lands or the lands from which such money or thing of value shall have been derived or granted or in any manner contrary to the provisions of this act shall be deemed a breach of trust.

SEC. 4. That no mortgage or other encumbrance of said lands shall be valid in favor of any person for any purpose or under any circumstances whatsoever. Said lands shall not be sold nor leased, in whole or in part, except to the highest bidder at public auction, notice of which public auction shall first have been duly given by advertisement, which shall set forth the nature, time, and place of the transaction to be had, with full description of the lands to be offered, published once each week for not less than ten successive weeks in a newspaper of general circulation published regularly at the capital and in a newspaper of like circulation which shall then be regularly published nearest to the location of the lands so offered; nor shall any sale or contract for the sale of any timber or other natural product of such lands be made, save at the place, in the manner, and after the notice thus provided for sales and leases of the lands themselves: *Provided*, That nothing herein contained shall prevent said Territory from leasing any of said lands referred to in this section for a term of five years or less without such advertisement herein required.

SEC. 5. That all lands, leasehold, timber, and other products of the land before being offered shall be appraised at their true value, and no sale or other disposal thereof shall be made for a consideration less than the value so ascertained, nor, in case of the sale of the land, less than a minimum price of \$5 per acre; nor upon credit unless accompanied by ample security, and the legal title shall not be deemed to have passed until the consideration shall have been paid.

SEC. 6. That a fund shall be established in the Territorial treasury to carry out the purposes of this act, and whenever any money shall be in any manner derived from any of the land granted same shall be deposited in the Territorial treasury in the fund. The Territorial treasurer shall keep all such money invested in safe interest-bearing securities, which securities shall be approved by the Governor and the secretary of state of the Territory, and shall at all times be under a good and sufficient bond or bonds conditioned for the faithful performance of his duties in regard thereto, as defined by this act and the laws of the Territory not in conflict herewith. The income from said fund may and shall be used exclusively for the purposes of such Agricultural College and School of Mines: *Provided*, That no portion of said income shall be applied, directly or indirectly, under any pretense whatever, to the purchase, erection, preservation, or repair of any building or buildings.

SEC. 7. That every sale, lease, conveyance, or contract of or concerning any of the lands hereby granted or confirmed or the use thereof of the natural products thereof, not made in substantial conformity with the provisions of this act, shall be null and void. It shall be the duty of the Attorney General of the United States to prosecute in the name of the United States and in its courts such proceedings at law or in equity as may from time to time be necessary and appropriate to enforce the provisions hereof relative to the application and disposition of the said lands and the products thereof and the funds derived therefrom.

Approved, January 21, 1929 (45 Stat.L. 1091).

#### TRANSFER OF FAIRBANKS AND MATANUSKA STATIONS TO THE ALASKA AGRICULTURAL COLLEGE AND SCHOOL OF MINES

Extract from an act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1932

The Secretary of Agriculture is authorized to turn over to the Agricultural College and School of Mines of Alaska the tract of land and buildings near

Fairbanks, Alaska, now occupied and used by the Department of Agriculture as an experiment station, together with such equipment at the station as is not needed at the other agricultural stations maintained in Alaska by the Department of Agriculture.

(See also letter of the Secretary of Agriculture to the president of the Alaska Agricultural College and School of Mines, of Mar. 13, 1931.)

Extract from an order of the Secretary of Agriculture of July 7, 1932, transferring the Matanuska Station

In accordance with authority vested in me by the act of Congress, approved July 7, 1932 [An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1933], there is hereby transferred to the Alaska Agricultural College and School of Mines the property known as the Matanuska Agricultural Experiment Station together with all appurtenances and such livestock and equipment at the station as is desired by the Alaska Agricultural College and School of Mines for its use.

## LEGISLATION, RULINGS, AND REGULATIONS DIRECTLY AFFECTING THE AGRICULTURAL EXPERIMENT STATIONS

### ACT OF 1887 ESTABLISHING AGRICULTURAL EXPERIMENT STATIONS

[Hatch Act]

AN ACT To establish agricultural experiment stations in connection with the colleges established in the several States under the provisions of an act approved July second, eighteen hundred and sixty-two, and of the acts supplementary thereto

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in order to aid in acquiring and diffusing among the people of the United States useful and practical information on subjects connected with agriculture, and to promote scientific investigation and experiment respecting the principles and applications of agricultural science, there shall be established under direction of the college or colleges or agricultural departments of colleges in each State or Territory established, or which may hereafter be established, in accordance with the provisions of an act approved July second, eighteen hundred and sixty-two, entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," or any of the supplements to said act, a department to be known and designated as an "agricultural experiment station:" *Provided*, That in any State or Territory in which two such colleges have been or may be so established the appropriation hereinafter made to such State or Territory shall be equally divided between such colleges, unless the legislature of such State or Territory shall otherwise direct.

SEC. 2. That it shall be the object and duty of said experiment stations to conduct original researches or verify experiments on the physiology of plants and animals; the diseases to which they are severally subject, with the remedies for the same; the chemical composition of useful plants at their different stages of growth; the comparative advantages of rotative cropping as pursued under the varying series of crops; the capacity of new plants or trees for acclimation; the analysis of soils and water; the chemical composition of manures, natural or artificial, with experiments designed to test the comparative effects on crops of different kinds; the adaptation and value of grasses and forage plants; the composition and digestibility of the different kinds of food for domestic animals; the scientific and economic questions involved in the production of butter and cheese; and such other researches or experiments bearing directly on the agricultural industry of the United States as may in each case be deemed advisable, having due regard to the varying conditions and needs of the respective States and Territories.

SEC. 3. That in order to secure, as far as practicable, uniformity of methods and results in the work of said stations, it shall be the duty of the United States

Commissioner [now Secretary] of Agriculture to furnish forms, as far as practicable, for the tabulation of results of investigation or experiment; to indicate from time to time such lines of inquiry as to him shall seem most important, and, in general, to furnish such advice and assistance as will best promote the purpose of this act. It shall be the duty of each of said stations annually, on or before the first day of February, to make to the governor of the State or Territory in which it is located a full and detailed report of its operations, including a statement of receipts and expenditures, a copy of which report shall be sent to each of said stations, to the said Commissioner [now Secretary] of Agriculture, and to the Secretary of the Treasury of the United States.

SEC. 4. That bulletins or reports of progress shall be published at said stations at least once in three months, one copy of which shall be sent to each newspaper in the States or Territories in which they are respectively located, and to such individuals actually engaged in farming as may request the same and as far as the means of the station will permit. Such bulletins or reports and the annual reports of said stations shall be transmitted in the mails of the United States free of charge for postage, under such regulations as the Postmaster General may from time to time prescribe.

SEC. 5. That for the purpose of paying the necessary expenses of conducting investigations and experiments and printing and distributing the results as hereinbefore prescribed, the sum of fifteen thousand dollars per annum is hereby appropriated to each State, to be specially provided for by Congress in the appropriations from year to year, and to each Territory entitled under the provisions of section eight of this act, out of any money in the Treasury proceeding from the sales of public lands, to be paid in equal quarterly payments on the first day of January, April, July, and October in each year, to the treasurer or other officer duly appointed by the governing boards of said colleges to receive the same, the first payment to be made on the first day of October, eighteen hundred and eighty-seven: *Provided, however,* That out of the first annual appropriation so received by any station an amount not exceeding one-fifth may be expended in the erection, enlargement, or repair of a building or buildings necessary for carrying on the work of such station; and thereafter an amount not exceeding five per centum of such annual appropriation may be so expended.

SEC. 6. That whenever it shall appear to the Secretary of the Treasury from the annual statement of receipts and expenditures of any of said stations that a portion of the preceding annual appropriation remains unexpended, such amount shall be deducted from the next succeeding annual appropriation to such station, in order that the amount of money appropriated to any station shall not exceed the amount actually and necessarily required for its maintenance and support.

SEC. 7. That nothing in this act shall be construed to impair or modify the legal relation existing between any of the said colleges and the government of the States or Territories in which they are respectively located.

SEC. 8. That in States having colleges entitled under this section to the benefits of this act and having also agricultural experiment stations established by law separate from said colleges, such States shall be authorized to apply such benefits to experiments at stations so established by such States; and in case any State shall have established, under the provisions of said act of July second aforesaid, an agricultural department or experiment station in connection with any university, college, or institution not distinctly an agricultural college or school, and such State shall have established or shall hereafter establish a separate agricultural college or school, which shall have connected therewith an experimental farm or station, the legislature of such State may apply in whole or in part the appropriation by this act made to such separate agricultural college or school, and no legislature shall by contract, express or implied, disable itself from so doing.

SEC. 9. That the grants of moneys authorized by this act are made subject to the legislative assent of the several States and Territories to the purpose of said grants: *Provided,* That payment of such installment of the appropriation herein made as shall become due to any State before the adjournment of the regular session of its legislature meeting next after the passage of this act shall be made upon the assent of the governor thereof duly certified to the Secretary of the Treasury.

SEC. 10. Nothing in this act shall be held or construed as binding the United States to continue any payments from the Treasury to any or all the States

or institutions mentioned in this act, but Congress may at any time amend, suspend, or repeal any or all the provisions of this act.

Approved, March 2, 1887 (24 Stat.L. 440).

#### ACT OF 1888 AMENDING THE HATCH ACT

AN ACT To amend an act entitled "An act to establish agricultural experiment stations in connection with the colleges established in the several States under the provisions of an act approved July second, eighteen hundred and sixty-two, and the acts supplementary thereto."

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the grants of money authorized by the act of Congress entitled "An act to establish agricultural experiment stations in connection with the colleges established in the several States under the provisions of an act approved July second, eighteen hundred and sixty-two, and of acts supplementary thereto," are subject as therein provided to the legislative assent of the States or Territories to be affected thereby; but as to such installments of the appropriations as may be now due or may hereafter become due, when the legislature may not be in session, the governor of said State or Territory may make the assent therein provided, and upon a duly certified copy thereof to the Secretary of the Treasury he shall cause the same to be paid in the manner provided in the act of which this is amendatory, until the termination of the next regular session of the legislature of such State or Territory.

Approved, June 7, 1888 (25 Stat.L. 176).

#### ACT OF 1906 FOR THE FURTHER ENDOWMENT OF AGRICULTURAL EXPERIMENT STATIONS

[Adams Act]

AN ACT To provide for an increased annual appropriation for agricultural experiment stations and regulating the expenditure thereof

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That there shall be, and hereby is, annually appropriated, out of any money in the Treasury not otherwise appropriated, to be paid as hereinafter provided, to each State and Territory, for the more complete endowment and maintenance of agricultural experiment stations now established or which may hereafter be established in accordance with the act of Congress approved March second, eighteen hundred and eighty-seven, the sum of five thousand dollars in addition to the sum named in said act for the year ending June thirtieth, nineteen hundred and six, and an annual increase of the amount of such appropriation thereafter for five years by an additional sum of two thousand dollars over the preceding year, and the annual amount to be paid thereafter to each State or Territory shall be thirty thousand dollars, to be applied only to paying the necessary expenses of conducting original researches or experiments bearing directly on the agricultural industry of the United States, having due regard to the varying conditions and needs of the respective States or Territories.

SEC. 2. That the sums hereby appropriated to the States and Territories for the further endowment and support of agricultural experiment stations shall be annually paid in equal quarterly payments on the first day of January, April, July, and October of each year by the Secretary of the Treasury, upon the warrant of the Secretary of Agriculture, out of the Treasury of the United States, to the treasurer or other officer duly appointed by the governing boards of said experiment stations to receive the same, and such officers shall be required to report to the Secretary of Agriculture on or before the first day of September of each year a detailed statement of the amount so received and of its disbursements, on schedules prescribed by the Secretary of Agriculture. The grants of money authorized by this act are made subject to legislative assent of the several States and Territories to the purpose of said grants: *Provided*, That payment of such installments of the appropriation herein made as shall become due to any State or Territory before the adjournment of the regular session of legislature meeting next after the passage of this act shall be made upon the assent of the governor thereof, duly certified by the Secretary of the Treasury.

SEC. 3. That if any portion of the moneys received by the designated officer of any State or Territory for the further and more complete endowment, support, and maintenance of agricultural experiment stations as provided in this act shall by any action or contingency be diminished or lost or be misapplied, it shall be replaced by said State or Territory to which it belongs, and until so replaced no subsequent appropriation shall be apportioned or paid to such State or Territory; and no portion of said moneys exceeding five per centum of each annual appropriation shall be applied directly or indirectly, under any pretense whatever, to the purchase, erection, preservation, or repair of any building or buildings, or to the purchase or rental of land. It shall be the duty of each of said stations annually, on or before the first day of February, to make to the governor of the State or Territory in which it is located a full and detailed report of its operations, including a statement of receipts and expenditures, a copy of which report shall be sent to each of said stations, to the Secretary of Agriculture, and to the Secretary of the Treasury of the United States.

SEC. 4. That on or before the first day of July in each year after the passage of this act the Secretary of Agriculture shall ascertain and certify to the Secretary of the Treasury as to each State and Territory whether it is complying with the provisions of this act and is entitled to receive its share of the annual appropriation for agricultural experiment stations under this act and the amount which thereupon each is entitled, respectively, to receive. If the Secretary of Agriculture shall withhold a certificate from any State or Territory of its appropriation, the facts and reasons therefor shall be reported to the President, and the amount involved shall be kept separate in the Treasury until the close of the next Congress, in order that the State or Territory may, if it shall so desire, appeal to Congress from the determination of the Secretary of Agriculture. If the next Congress shall not direct such sum to be paid, it shall be covered into the Treasury; and the Secretary of Agriculture is hereby charged with the proper administration of this law.

SEC. 5. That the Secretary of Agriculture shall make an annual report to Congress on the receipts and expenditures and work of the agricultural experiment stations in all of the States and Territories, and also whether the appropriation of any State or Territory has been withheld, and if so, the reason therefor.

SEC. 6. That Congress may at any time amend, suspend, or repeal any or all of the provisions of this act.

Approved, March 16, 1906 (34 Stat.L. 63).

Section 1 of the Adams Act was clarified and construed to limit the annual appropriation under the act to \$15,000 for each State and Territory in the act making appropriations for the United States Department of Agriculture for the fiscal year ended June 30, 1907 (34 Stat.L. 669, 696).

#### ACT OF 1925 FOR THE MORE COMPLETE ENDOWMENT OF THE AGRICULTURAL EXPERIMENT STATIONS

[Purnell Act]

AN ACT To authorize the more complete endowment of agricultural experiment stations, and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That for the more complete endowment and maintenance of agricultural experiment stations now established, or which may hereafter be established, in accordance with the act of Congress approved March 2, 1887, there is hereby authorized to be appropriated, in addition to the amounts now received by such agricultural experiment stations, the sum of \$20,000 for the fiscal year ending June 30, 1926; \$30,000 for the fiscal year ending June 30, 1927; \$40,000 for the fiscal year ending June 30, 1928; \$50,000 for the fiscal year ending June 30, 1929; \$60,000 for the fiscal year ending June 30, 1930; and \$60,000 for each fiscal year thereafter, to be paid to each State and Territory; and the Secretary of Agriculture shall include the additional

sums above authorized to be appropriated in the annual estimates of the Department of Agriculture, or in a separate estimate, as he may deem best. The funds appropriated pursuant to this act shall be applied only to paying the necessary expenses of conducting investigations or making experiments bearing directly on the production, manufacture, preparation, use, distribution, and marketing of agricultural products and including such scientific researches as have for their purpose the establishment and maintenance of a permanent and efficient agricultural industry, and such economic and sociological investigations as have for their purpose the development and improvement of the rural home and rural life, and for printing and disseminating the results of said researches.

SEC. 2. That the sums hereby authorized to be appropriated to the States and Territories for the further endowment and support of agricultural experiment stations shall be annually paid in equal quarterly payments on the 1st day of January, April, July, and October of each year by the Secretary of the Treasury upon a warrant of the Secretary of Agriculture out of the Treasury of the United States, to the treasurer or other officer duly appointed by the governing boards of such agricultural experiment stations to receive the same and such officers shall be required to report to the Secretary of Agriculture on or before the 1st day of September of each year a detailed statement of the amount so received and of its disbursement on schedules prescribed by the Secretary of Agriculture. The grants of money authorized by this act are made subject to legislative assent of the several States and Territories to the purpose of said grants: *Provided*, That payment of such installments of the appropriation herein authorized to be made as shall become due to any State or Territory before the adjournment of the regular session of the legislature meeting next after the passage of this act shall be made upon the assent of the governor thereof duly certified to the Secretary of the Treasury.

SEC. 3. That if any portion of the moneys received by the designated officer of any State or Territory for the further and more complete endowment, support, and maintenance of agricultural experiment stations as provided in this act shall by any action or contingency be diminished or lost or be misappropriated, it shall be replaced by said State or Territory to which it belongs, and until so replaced no subsequent appropriation shall be apportioned or paid to such State or Territory, and no portion of said moneys exceeding 10 per centum of each annual appropriation shall be applied directly or indirectly, under any pretense whatever, to the purchase, erection, preservation, or repair of any building or buildings or to the purchase or rental of land. It shall be the duty of each of the said stations annually, on or before the 1st day of February, to make to the governor of the State or Territory in which it is located a full and detailed report of its operations, including a statement of receipts and expenditures for the fiscal year next preceding, a copy of which report shall be sent to each of the said stations and the Secretary of Agriculture and to the Secretary of the Treasury of the United States.

SEC. 4. That on or before the 1st day of July in each year after the passage of this act the Secretary of Agriculture shall ascertain and certify to the Secretary of the Treasury as to each State and Territory whether it is complying with the provisions of this act and is entitled to receive its share of the annual appropriations for agricultural experiment stations under this act and the amount which thereupon each is entitled, respectively, to receive. If the Secretary of Agriculture shall withhold from any State or Territory a certificate of its appropriation, the facts and reasons therefor shall be reported to the President and the amount involved shall be kept separate in the Treasury until the close of the next Congress in order that the State or Territory may, if it shall so desire, appeal to Congress from the determination of the Secretary of Agriculture. If the next Congress shall not direct such sum to be paid, it shall be covered into the Treasury. The Secretary of Agriculture is hereby charged with the proper administration of this law.

SEC. 5. That the Secretary of Agriculture shall make an annual report to Congress on the receipts and expenditures and work of the agricultural experiment stations in all of the States and Territories, and also whether the appropriation of any State or Territory has been withheld; and if so, the reason therefor.

SEC. 6. That Congress may at any time amend, suspend, or repeal any and all of the provisions of this act.

Approved, February 24, 1925 (43 Stat.L. 970).

**ACT OF 1928 EXTENDING THE BENEFITS OF THE EXPERIMENT STATION AND EXTENSION ACTS TO HAWAII**

AN ACT To extend the benefits of certain acts of Congress to the Territory of Hawaii

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That beginning with the fiscal year ending June 30, 1929, the Territory of Hawaii shall be entitled to share in the benefits of the act entitled "An act to establish agricultural experiment stations in connection with the colleges established in the several States under the provisions of an act approved July 2, 1862, and of the acts supplementary thereto," approved March 2, 1887, as amended and supplemented, and of the act entitled "An act to provide for cooperative agricultural extension work between the agricultural colleges in the several States receiving the benefits of an act of Congress approved July 2, 1862, and of acts supplementary thereto, and the United States Department of Agriculture," approved May 8, 1914, and of acts supplementary thereto: *Provided*, That the experiment station so established shall be conducted jointly and in collaboration with the existing Federal experiment station in Hawaii in enlarging and expanding the work of the said Federal station on cooperative plans approved by the Secretary of Agriculture; and the Secretary of Agriculture shall coordinate the work of the Territorial station with that of the Federal station and of the United States Department of Agriculture in the islands: *Provided further*, That the Territory of Hawaii shall make provision for such additional buildings and permanent equipment as may be necessary for the development of the work.

SEC. 2. To carry into effect the above provisions for extending to Hawaii the benefits of the act of March 2, 1887, and supplementary acts in the order and amounts designated by these acts, the following sums are hereby authorized to be appropriated in addition to the amounts appropriated to the Department of Agriculture for use in Hawaii: \$15,000 for the fiscal year ending June 30, 1930; \$20,000 for the fiscal year ending June 30, 1931; \$22,000 for the fiscal year ending June 30, 1932; \$24,000 for the fiscal year ending June 30, 1933; \$26,000 for the fiscal year ending June 30, 1934; \$28,000 for the fiscal year ending June 30, 1935; \$30,000 for the fiscal year ending June 30, 1936; \$50,000 for the fiscal year ending June 30, 1937; \$60,000 for the fiscal year ending June 30, 1938; \$70,000 for the fiscal year ending June 30, 1939; \$80,000 for the fiscal year ending June 30, 1940; and \$90,000 for the fiscal year ending June 30, 1941, and thereafter a sum equal to that provided for each State and Territory for agricultural experiment stations established under the act of March 2, 1887.

SEC. 3. The permanent annual appropriations provided for in section 3 of said act of May 8, 1914, and of acts supplementary thereto are hereby authorized to be increased by an amount necessary to carry out the provisions of this act but without diminishing or increasing the amount which any State is entitled to under the provisions of said act of May 8, 1914, and of acts supplementary thereto.

Approved, May 16, 1928 (45 Stat.L. 571).

**ACT OF 1929 EXTENDING THE BENEFITS OF THE HATCH ACT AND THE SMITH-LEVER ACT TO THE TERRITORY OF ALASKA**

AN ACT To extend the benefits of the Hatch Act and the Smith-Lever Act to the Territory of Alaska

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following acts, to wit, an act entitled "An act to establish agricultural experiment stations in connection with the colleges established in the several States under the provisions of an act approved July 2, 1862, and of the acts supplementary thereto," approved March 2, 1887, as amended and supplemented, and known as the Hatch Act; and an act entitled "An act to provide for cooperative extension work between the agricultural colleges in the United States receiving the benefits of an act of Congress approved July 2, 1862, and of acts supplementary thereto, and the United States Department of Agriculture," approved May 8, 1914, and known as the Smith-Lever Act, be, and the same are hereby, extended to the Territory of Alaska: *Provided*, That no appropriations shall be made under this act until annually estimated as to funds and amounts by the Secretary of Agriculture;

the estimates to be based upon his determination of the ability of the Territory of Alaska to make effective use of the funds.

With the approval of the Secretary of Agriculture, agricultural experiment substations, to the number of not more than two, may be maintained under the provisions of the Hatch Act.

Approved, February 23, 1920 (45 Stat.L. 1256).

### ACT OF 1931 EXTENDING THE BENEFITS OF THE HATCH AND SUPPLEMENTARY ACTS TO THE TERRITORY OF PUERTO RICO

AN ACT To coordinate the agricultural experiment-station work and to extend the benefits of certain acts of Congress to the Territory of Puerto Rico

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembl'd,* That beginning with the fiscal year ending June 30, 1933, the Territory of Puerto Rico shall be entitled to share in the benefits of the act entitled "An act to establish agricultural experiment stations in connection with the colleges established in the several States under the provisions of an act approved July 2, 1862, and of the acts supplementary thereto," approved March 2, 1887, as amended and supplemented, and of the act entitled "An act to provide for cooperative agricultural extension work between the agricultural colleges in the several States receiving the benefits of an act of Congress approved July 2, 1862, and of acts supplementary thereto, and the United States Department of Agriculture," approved May 8, 1914, and of acts supplementary thereto: *Provided*, That the experiment station so established shall be connected with the College of Agriculture of the University of Puerto Rico and it shall be conducted jointly and in collaboration with the existing Federal experiment station in Puerto Rico in enlarging and expanding the work of the said Federal station on cooperative plans approved by the Secretary of Agriculture; and the Secretary of Agriculture shall coordinate the work of the Territorial stations with that of the Federal station and of the United States Department of Agriculture in the island: *Provided further*, That the several experiment stations now conducted by the insular government shall be transferred to and coordinated with the experiment station of the College of Agriculture of the University of Puerto Rico, together with whatever funds that are available for the support of the same, and the Secretary of Agriculture may at his discretion transfer such land, buildings, and equipment as he may deem necessary to the experiment station of the College of Agriculture of the University of Puerto Rico: *Provided further*, That the Territory of Puerto Rico shall make provision for such additional buildings and permanent equipment as may be necessary for the development of the work.

SEC. 2. To carry into effect the above provisions for extending to Puerto Rico the benefits of the act of March 2, 1887, and supplementary acts in the order and amounts designated by these acts, the following sums are hereby authorized to be appropriated in addition to the amounts appropriated to the Department of Agriculture for use in Puerto Rico: \$15,000 for the fiscal year ending June 30, 1933; \$20,000 for the fiscal year ending June 30, 1934; \$25,000 for the fiscal year ending June 30, 1935; \$30,000 for the fiscal year ending June 30, 1936; \$35,000 for the fiscal year ending June 30, 1937; \$40,000 for the fiscal year ending June 30, 1938; \$45,000 for the fiscal year ending June 30, 1939; \$50,000 for the fiscal year ending June 30, 1940; \$60,000 for the fiscal year ending June 30, 1941; \$70,000 for the fiscal year ending June 30, 1942; \$80,000 for the fiscal year ending June 30, 1943; and \$90,000 for the fiscal year ending June 30, 1944, and thereafter a sum equal to that provided for each State and Territory for agricultural experiment stations established under the act of March 2, 1887.

SEC. 3. The permanent annual appropriations provided for in section 3 of said act of May 8, 1914, and of acts supplementary thereto are hereby authorized to be increased by an amount necessary to carry out the provisions of this act, but without diminishing or increasing the amount to which any State or the Territory of Hawaii is entitled under the provisions of said act of May 8, 1914, and of acts supplementary thereto: *Provided*, That for the fiscal year 1933 the total amount available to the Territory of Puerto Rico under the terms of the act of May 8, 1914, shall be \$50,000, this amount to be increased by \$10,000 annually, or such part thereof as may be necessary, until the total to which

Puerto Rico is entitled under the provisions of this act is reached. Participation in other Federal appropriations for cooperative extension work, including those authorized by the act of May 22, 1928, shall be at such times and in such amounts as shall be estimated by the Secretary of Agriculture and appropriated by the Congress.

Approved, March 4, 1931 (46 Stat.L. 1520).

## PAYMENT OF FEDERAL FUNDS TO THE EXPERIMENT STATIONS

### EXTRACT FROM THE HATCH ACT

The sum of fifteen thousand dollars per annum is hereby appropriated to each State, to be specially provided for by Congress in the appropriations from year to year, and to each Territory entitled under the provisions of section eight of this [Hatch] act \* \* \* to be paid in equal quarterly payments on the first day of January, April, July, and October in each year, to the treasurer or other officer duly appointed by the governing boards of said [land-grant] colleges to receive the same \* \* \*.

### DESIGNATION OF BENEFICIARIES OF THE HATCH FUND BY STATE LEGISLATURES

1. When an agricultural college or station has been established under the act of July 2, 1862, such college is entitled to the benefits of the provisions of said act [i.e., of March 2, 1887].

2. In a State where an agricultural college has been established under the act of July 2, 1862, and agricultural stations have also been established, either under the act of July 2, 1862, or by State authority, before March 2, 1887, the legislature of such State shall determine which one of said institutions, or how many of them, shall receive the benefits of the act of March 2, 1887.

3. If the legislature of any State in which an agricultural college has been established under the act of July 2, 1862, desires to establish an agricultural station which shall be entitled to the benefits of said act, it must establish such station in connection with said college. (Treasury Department ruling Feb. 15, 1888.)

It is within the power of the legislature of any State that has accepted the provisions of said act of March 2, 1887, to dispose of the amount appropriated by Congress for said State to either one or all of the agricultural colleges or stations which may be established in said State by virtue of either the provisions of the act of July 2, 1862, or the provisions of said eighth section of the act of March 2, 1887. \* \* \*

The whole responsibility rests upon the State legislature as to how the fund appropriated by Congress shall be distributed among these various institutions of the State, provided there is one or more agricultural colleges with which an agricultural station is connected or one or more agricultural stations. (Treasury Department ruling Dec. 7, 1888.)

### DIVISION OF HATCH FUNDS BETWEEN STATIONS ALREADY ESTABLISHED

Where there is an agricultural college or station which may have been established by State authority and is maintained by the State, the eighth section of the [Hatch] act would authorize the State to designate \* \* \* the station to which it desired the appropriation to be applied, whether to one or more, or all, and \* \* \* the Secretary of the Treasury should make the payment under the appropriation to whichever one the State might designate. (Treasury Department ruling Feb. 14, 1888.)

### EXTRACT FROM THE ADAMS ACT

The sums hereby appropriated to the States and Territories for the further endowment and support of agricultural experiment stations shall be annually paid in equal quarterly payments on the first day of January, April, July, and October of each year by the Secretary of the Treasury, upon the warrant of the Secretary of Agriculture, out of the Treasury of the United States, to the treasurer or other officer duly appointed by the governing boards of said experiment stations to receive the same.

## PAYMENTS UNDER THE PURNELL ACT

The Purnell Act provides that \$60,000 annually shall be paid to each State and Territory in equal quarterly payments substantially in the manner and under the conditions specified in the Adams Act.

## APPROPRIATION OF FUNDS THROUGH THE DEPARTMENT OF AGRICULTURE

Extract from the act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1934

To carry into effect the provisions of an act approved March 2, 1887 (U.S.C., title 7, secs. 362, 363, 365, 368, 377-379), entitled "An act to establish agricultural experiment stations in connection with the colleges established in the several States under the provisions of an act approved July 2, 1862 (U.S.C., title 7, secs. 301-308), and of the acts supplementary thereto," the sums apportioned to the several States, to be paid quarterly in advance, \$720,000.

To carry into effect the provisions of an act approved March 16, 1906 (U.S.C., title 7, sec. 369), entitled "An act to provide for an increased annual appropriation for agricultural experiment stations and regulating the expenditure thereof," and acts supplementary thereto, the sums apportioned to the several States, to be paid quarterly in advance, \$720,000.

To carry into effect the provisions of an act entitled "An act to authorize the more complete endowment of agricultural experiment stations," approved February 24, 1925 (U.S.C., title 7, secs. 361, 366, 370, 371, 373-376, 380, 382), \$2,880,000.

Hawaii: To carry into effect the provisions of an act entitled "An act to extend the benefits of certain acts of Congress to the Territory of Hawaii," approved May 16, 1928 (U.S.C., Supp. V, title 7, secs. 386-386b), \$26,000.

Alaska: To carry into effect the provisions of an act entitled "An act to extend the benefits of the Hatch Act and the Smith-Lever Act to the Territory of Alaska," approved February 23, 1929 (U.S.C., Supp. V, title 7, sec. 386c), \$15,000.

Puerto Rico: To carry into effect the provisions of an act entitled "An act to coordinate the agricultural experiment-station work and to extend the benefits of certain acts of Congress to the Territory of Puerto Rico," approved March 4, 1931 (U.S.C., Supp. V, title 7, secs. 386d-386f), \$20,000.

## CERTIFICATION TO RECEIVE FEDERAL FUNDS

The authority of the [Hatch] act is to certify payment to a State upon a determination, on or before July 1, whether it is then complying with the provisions of the act, and to withhold certification if it is not so complying. If certification is withheld, either by written order or by inaction, the act expressly reserves to Congress the authority to direct payment thereafter and such authority is exclusive. (Comp. Dec. Apr. 18, 1924.)

The Adams and Purnell Acts require that the Secretary of Agriculture shall ascertain and certify to the Secretary of the Treasury on or before July 1 whether each State and Territory is complying with the provisions of these acts and is entitled to receive its share of the annual appropriation for agricultural experiment stations to which it is entitled under the acts.

The Comptroller General has specifically ruled (Jan. 17, 1924) that—

the requirements appear clear and susceptible of but one interpretation, that being that the ascertainment of the necessary facts for making the certificates and the actual certifications, shall be "on or before the first day of July in each year"; ascertaining of the facts and certifications after July 1, "as of July 1," do not meet the requirements of the act.

## ADMINISTRATION OF FEDERAL FUNDS FOR THE EXPERIMENT STATIONS

### THE EXPERIMENT STATION A DEPARTMENT OF THE LAND-GRANT COLLEGE

The Hatch Act provides that—

there shall be established under direction of the college or colleges or agricultural departments of colleges in each State or Territory established, or which may hereafter be established, in accordance with the provisions of an act approved July second, eighteen hundred and sixty-two, entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," or any of the supplements to said act, a department to be known and designated as an "agricultural experiment station."

### ADMINISTRATIVE AUTHORITY OF THE DEPARTMENT OF AGRICULTURE

Under the terms of the Hatch, Adams, and Purnell Acts, and subsequent acts, the Secretary of Agriculture is charged with the proper administration of these acts. By direction of the Secretary, the Office of Experiment Stations is designated to represent him in negotiations with the experiment stations and related activities, including the examination of the work and expenditures of the experiment stations under the Federal acts, coordinating the work of the Department of Agriculture with that of the experiment stations, and reporting annually thereon to Congress as provided by the acts.

### EXTRACT FROM THE HATCH ACT

In order to secure, as far as practicable, uniformity of methods and results in the work of said stations, it shall be the duty of the United States Commissioner [now Secretary] of Agriculture to \* \* \* indicate from time to time such lines of inquiry as to him shall seem most important; and, in general, to furnish such advice and assistance as will best promote the purpose of this act.

### EXTRACT FROM THE ACT MAKING APPROPRIATIONS FOR THE DEPARTMENT OF AGRICULTURE FOR THE FISCAL YEAR ENDING JUNE 30, 1934

The Secretary of Agriculture shall prescribe the form of the annual financial statement required under the [Hatch, Adams, and Purnell] acts, ascertain whether the expenditures are in accordance with their provisions, coordinate the work of the Department of Agriculture with that of the State agricultural colleges and experiment stations in the lines authorized in said acts, and make report thereon to Congress. (See also p. 24.)

### THE EXPERIMENT STATION'S RESPONSIBILITY FOR PROPER USE OF FEDERAL FUNDS

The Secretary of Agriculture, under date of January 18, 1934, wrote to the president of a State board of control in part as follows:

The plain meaning of the language [used in secs. 1, 2, and 3 of the Hatch Act] is that it is the experiment station whose "duty" it is, under the direction of the college, and in cooperation with this Department, to determine what researches, bearing directly on the agricultural industry of the United States, are "advisable" \* \* \* inasmuch as the State \* \* \* has given its assent to the "purpose" of the grant made by the Hatch Act, and has similarly assented to the purposes of the Adams and Purnell Acts, it has thereby agreed, on its part, for a valuable consideration, that the experiment stations are the proper bodies to determine, under the direction of their respective agricultural colleges and in cooperation with this Department, what agricultural researches

are "advisable." Having given this assent, the State \* \* \* may not, without a virtual repudiation of the assent already given to the purpose of the experiment station acts, assume the right, by legislation or otherwise, to appoint some other body and give to it the authority to make such a determination. Much less, of course, would there be any warrant for your board or any other State body to assume the authority to take such action, without the sanction of legislation. \* \* \*

The experiment station funds allotted to the State out of the Federal appropriations are Federal monies and continue to be such until they are disbursed pursuant to the purposes specified by Congress. \* \* \* These Federal funds, by the terms of the acts referred to, are payable to the officer appointed by the governing boards of the colleges or experiment stations and the officer to whom the funds are paid thereby becomes their custodian. There is no requirement in the act that he shall deposit them in the State treasury, although it is entirely proper that he should do so. \* \* \* But, if he does so deposit them, his custodianship is not thereby terminated; they continue to be Government funds, until they are expended for the purposes specified in the acts of Congress; it was so held by the Comptroller General of the United States, in his decision of January 16, 1933. \* \* \*

For the reasons given above \* \* \* the exercise of scrutiny of your board over the expenditure of the experiment station funds allotted to the States in accordance with the Hatch, Adams, and Purnell Acts to the extent of the disapproval and suspension thereof is unauthorized and \* \* \* its continuance is not desirable. \* \* \* If the board feels that \* \* \* while the funds are on deposit in the State treasury, it can pass requisitions by the director of the \* \* \* experiment station when properly vouched for \* \* \* the Department sees no objection in having that much of the present practice continued. If, however, the board feels that it cannot do this \* \* \* arrangements will have to be made whereby experiment station funds, now on deposit in the State treasury, will either have to be subject to direct disbursement on properly approved warrants of the director of the experiment station or such funds will have to be withdrawn from the State treasury and placed in some other depository, from which such disbursements can be freely made.

#### RESPONSIBILITY OF THE STATION DIRECTOR

Since the preceding ruling establishes that it is the experiment station whose duty it is to determine what researches are advisable, and to determine the need for expenditures from funds made available by the Federal acts, the Office of Experiment Stations, representing the Secretary of Agriculture in all negotiations with the experiment stations, deals directly with the officer duly appointed by the agricultural college as the responsible head of the agricultural experiment station, the director of the station. The same ruling establishes the further point of cooperation by the director of the agricultural experiment station with the Department of Agriculture in determination and final decision as to the program of researches and proper expenditures connected therewith under the Federal funds. In carrying out this policy the Office of Experiment Stations deals with the director of the experiment station with the expectation that the director is clothed with the authority necessary to enable him to carry out the program of investigations and expenditures mutually agreed upon. In this connection, important functions of the experiment station director include the planning of a program of research projects, the selection and maintenance of suitable personnel, the planning and arranging for operations to carry out details of the approved research program with the personnel available, the maintenance of conditions and relationships favorable to productive research, and the supervision and approval of all expenditures under the approved budget. In line with this understanding, all vouchers

drawn on the Federal funds should have the approval of the director of the experiment station, or his duly authorized agent, before they are paid.

It follows also that the Federal Hatch, Adams, and Purnell funds wherever deposited should be held available at all times for disbursement only in payment of claims authorized by the station director. Their transfer to the State treasury or other depository for greater convenience or safety in disbursement, while raising no legal objection, does not relieve the station director of the responsibility for the budgeting and expenditure of the funds or the duly appointed station treasurer of the responsibility for accounting for them.

The Solicitor of the Department of Agriculture in an opinion dated November 11, 1933, after briefly reviewing the purposes for which the Federal funds are appropriated to the experiment stations, says:

It seems \* \* \* quite obvious that these funds, so appropriated and paid by the Federal Government for these specific purposes (to which purposes the State must assent before the funds are payable), and which, when paid, are not the property of the State or even of the appointed officer to whom they are paid, but only in his custody for proper disbursement, cannot \* \* \* be placed under the administration of an entirely different State officer, so that he \* \* \* may determine in what amount and at what rate they may be expended in carrying out the purposes for which they were originally appropriated and paid by the Federal Government.

#### RESPONSIBLE CUSTODIAN OF HATCH, ADAMS, AND PURNELL FUNDS

Since the Congress has authorized the payment of these funds only to an officer of the agricultural experiment station duly appointed by the governing board of such station, such payments may not be made to any other person, and the provisions of the Federal statutes in this respect are in no way affected by any act of the legislature of the State attempting to provide for such payments to an officer of the State other than an officer of the experiment station duly appointed by the governing board of such station to receive the same. (Comp. Dec. A-32831, Sept. 4, 1930.)

It may be stated, however, that the said acts do not provide the place and manner in which the funds shall be deposited by the treasurer or other officer duly appointed by the governing boards of such agricultural experiment station to receive the same, and, therefore, if, in the administration of said funds, it is found necessary and expedient in connection with the safekeeping, disbursement and control thereof for the treasurer of [an] agricultural experiment station, after he has received, receipted for and become responsible to account therefor to the Governor of the State and the Secretary of Agriculture, as provided by the acts under which the funds are appropriated, to deposit the said funds in the State treasury, I have to advise \* \* \* that there would appear to be no legal objection to such procedure. (Comp. Dec. A-32831, July 20, 1931.)

#### ADVANCE APPROVAL OF ADAMS AND PURNELL PROJECTS AND BUDGETS

##### ADMINISTRATION OF THE ADAMS ACT

Under date of March 20, 1906, the Secretary of Agriculture wrote the directors of the State experiment stations in part as follows:

The Director of the Office of Experiment Stations is hereby designated my representative in all matters relating to the business of this Department in connection with the administration of this law. \* \* \*

Under the terms of the act, it will be necessary that a separate account of the Adams fund shall be kept at each station, which should be open at all

times to the inspection of the Director of the Office of Experiment Stations, or his accredited representative. [See p. 24.]

In the interpretation of this act and the examination of the work and expenditures of the stations under it, I have instructed the Director of the Office of Experiment Stations to be guided by the following principles:

The Adams fund is "to be applied only to paying the necessary expenses of conducting original researches or experiments bearing directly on the agricultural industry of the United States." It is for the "more complete endowment and maintenance" of the experiment stations, presupposing the provision of a working plant and administrative officers. Accordingly, expenses for administration, care of buildings and grounds, insurance, office furniture and fittings, general maintenance of the station farm and animals, verification and demonstration experiments, compilations, farmers' institute work, traveling, except as is immediately connected with original researches in progress under this act, and other general expenses for the maintenance of the experiment stations, are not to be charged to this fund. The act makes no provision for printing or for the distribution of publications, which should be charged to other funds.

In order that there may be no doubt as to the disposal of the Adams fund, each station should outline a definite program of experimental work to which it will devote this fund, and expenses for other work should not be charged to it.

#### ADMINISTRATION OF THE PURNELL ACT

The Purnell fund [is] to be administered on the same general plan as that followed with the Adams fund; namely, on the basis of a program of specific projects and a budget for expenditures, these to be submitted annually in advance for consideration \* \* \* and approval as to their suitability to the \* \* \* appropriation. (Department of Agriculture ruling, May 20, 1925.)

#### USE OF FEDERAL FUNDS

##### HATCH FUND

The Hatch Act, appropriating \$15,000 annually to each State or Territory—

to aid in acquiring and diffusing among the people of the United States useful and practical information on subjects connected with agriculture, and to promote scientific investigation and experiment respecting the principles and applications of agricultural science [provides for such] researches or experiments bearing directly on the agricultural industry of the United States as may in each case be deemed advisable, having due regard to the varying conditions and needs of the respective States and Territories.

##### ADAMS FUND

The Adams Act provides \$15,000 annually for each State or Territory—

to be applied only to paying the necessary expenses of conducting original researches or experiments bearing directly on the agricultural industry of the United States, having due regard to the varying conditions and needs of the respective States or Territories.

As noted above—

The act makes no provision for printing or for the distribution of publications, which should be charged to other funds.

##### PURNELL FUND

The Purnell Act provides \$60,000 annually for each State or Territory which—

shall be applied only to paying the necessary expenses of conducting investigations or making experiments bearing directly on the production, manufacture, preparation, use, distribution, and marketing of agricultural products and

including such scientific researches as have for their purpose the establishment and maintenance of a permanent and efficient agricultural industry, and such economic and sociological investigations as have for their purpose the development and improvement of the rural home and rural life, and for printing and disseminating the results of said researches.

EXTRACT FROM CIRCULAR LETTER OF THE SECRETARY OF AGRICULTURE OF MAY 20,  
1925

The underlying purpose of the [Purnell] act is "the more complete endowment and maintenance of agricultural experiment stations," a fact which recognizes the existence of an experiment station in each State as a going concern with an organization, administrative machinery, buildings, lands, and other basic facilities for research. \* \* \* It is the expectation, therefore, that the demand on the Purnell fund for general overhead expenses of the station will be reduced to the minimum. \* \* \* With this idea in view, it will be expected that expenditures from the Purnell fund will be limited to those incurred primarily for specific investigations, with such charges for publication and for special buildings and lands as pertain directly thereto.

#### TEACHING AND EXTENSION

No portion of the funds appropriated by Congress in accordance with the act of March 2, 1887, can legally be used, either directly or indirectly, for paying the salaries or wages of professors, teachers, or other persons whose duties are confined to teaching, administration, or other work in connection with the courses of instruction given in the colleges with which the stations are connected, or in any other educational institution; nor should any other expenses connected with the work or facilities for instruction in school or college courses be paid from said fund. In case the same persons are employed in both the experiment station and the other departments of the college with which the station is connected a fair and equitable division of salaries or wages should be made, and in case of any other expenditures for the joint benefit of the experiment station and the other departments of the college, the aforesaid funds should be charged with only a fair share of such expenditures. (Department of Agriculture ruling, Oct. 25, 1897; see also ruling of Attorney General, May 10, 1899.)

Expenses for extension work should not be charged against the Hatch fund, and only such printing should be done with that fund as will record the experimental work of the stations established under the Hatch Act. (Department of Agriculture ruling, Feb. 25, 1909.)

The above rulings have been held to apply to the Adams and Purnell funds as well as to the Hatch fund, except that the Adams fund cannot be used for printing.

#### INDEPENDENT STATIONS

The [Hatch] act contemplates that where stations have already been established disconnected from the colleges the legislatures of such States may make such provisions in regard thereto as they may deem proper; but it does not authorize the establishment of stations except in connection with the colleges that were at that time or might hereafter be established under the act of July 2, 1862. (Treasury Department ruling, Jan. 30, 1888.)

This limitation applies to the Adams and Purnell funds as well as to the Hatch fund.

#### PERMANENT SUBSTATIONS

Maintenance of permanent substations with funds appropriated in accordance with the provisions of the act of Congress of March 2, 1887, and of supplementary acts is contrary to the spirit and intent of said acts. Funds provided by the Adams and Purnell Acts or by the Hatch Act cannot be turned over to a branch station to be used

and accounted for by the branch station. The director of the agricultural experiment station, established under the Hatch Act in connection with the college of agriculture, is held by the Department to be responsible for the budgeting of and accounting for the funds and the planning and supervision of research under these funds. It is granted that the experiment stations will often need to carry on investigations in different localities in their respective States and Territories, but it is held that this should be done in such a way as will secure the thorough supervision of such investigations by the expert officers of the main station and that arrangements for such experimental inquiries should not be of so permanent a character as to prevent the station from shifting its Federal fund work from place to place as circumstances may require nor involve the expenditure of Federal funds in such amounts and in such ways as will weaken the work of the station as a whole. This limitation applies to the Adams and Purnell funds as well as to the Hatch fund. (See Department of Agriculture ruling, Mar. 10, 1896; also letter of Chief of the Office of Experiment Stations to the director of the Mississippi Experiment Station, of July 1, 1932.)

#### PURCHASE OR RENTAL OF LANDS

No provision is made in the act of Congress of March 2, 1887 (Hatch Act) for the purchase or rental of lands, and such use of the funds provided by this act is held to be contrary to the spirit and intent of the act. (See Department of Agriculture ruling, Mar. 10, 1896.)

In case of the Adams Act 5 percent and of the Purnell Act 10 percent of the annual appropriation may be used for the construction or repair of buildings or the purchase or rental of land when such expenditures are made in connection with approved projects as provided under sections relating to the administration of the Adams and Purnell funds.

#### FARM OPERATIONS

Expenses incurred in conducting the operations of farms whether the farms are connected with institutions established under the act of Congress of July 2, 1862, or not, are not a proper charge against the funds appropriated by Congress for agricultural experiment stations in accordance with the act of Congress of March 2, 1887, unless such operations definitely constitute a part of agricultural investigations or experiments planned and conducted in accordance with the terms of the act aforesaid under rules and regulations prescribed by the governing board of the station. (Department of Agriculture ruling, Feb. 20, 1896.)

The same restrictions are held to apply to Adams and Purnell funds as to the Hatch fund.

#### HEAT, LIGHT, POWER, AND JANITOR SERVICES

Charges for heat, light, power, and janitor services made against Hatch, Adams, and Purnell funds must be based on the actual service rendered to the experiment station. While it is realized that the colleges frequently contribute in the way of overhead and general service facilities to a large extent, charges against the Federal funds for the complete heating or lighting of a college building, only a part of which is used by the experiment station, cannot be approved.

**DUES IN ASSOCIATION OF LAND-GRANT COLLEGES AND UNIVERSITIES**

Dues in the Association of Land-Grant Colleges and Universities are not considered a proper charge against the Federal funds. (See letters of the Chief of the Office of Experiment Stations to the director of the Mississippi Experiment Station, of June 26, 1920, and the director of the Georgia Experiment Station, of Nov. 13, 1920.)

**ACCOUNTING FOR THE FEDERAL FUNDS****ANNUAL FINANCIAL STATEMENT**

The Adams and Purnell Acts provide that the officers duly appointed by the governing boards of the experiment stations to receive the Federal funds appropriated by these acts shall "report to the Secretary of Agriculture on or before the first day of September of each year a detailed statement of the amount so received and of its disbursement, on schedules prescribed by the Secretary of Agriculture." By common consent the Hatch fund is reported in the same way.

**ESSENTIAL REQUIREMENTS**

Each station is required to keep separate deposit accounts of the Hatch, Adams, and Purnell funds (pp. 20, and 31), and all expenditures from these accounts must be supported by properly approved and certified vouchers and evidence of payment. The essential requirements in support of expenditures are:

- (1) Vouchers showing—
  - (a) Kind and cost of purchase or service rendered and from whom purchased or by whom rendered.
  - (b) Certificate of receipt of goods or of service rendered.
  - (c) Approval for payment, by the director of the station or his duly designated representative.
  - (d) The project for which expenditure was incurred, if Adams or Purnell.
  - (e) The classification with reference to the schedules prescribed for the annual financial report.
  - (f) Fund from which expenditure is made.
- (2) Evidence of payment in the form of receipts or canceled checks. If the canceled checks are not attached to the respective vouchers, the vouchers should show the number or other identification of the check issued in payment of the voucher in question.

Officers of the Department of Agriculture charged with the duty of examining expenditures under the Hatch, Adams, and Purnell Acts are expected to examine the original vouchers and subvouchers supporting the different expenditures, except as hereinafter provided.

In view of the fact that some States have passed laws which require the original invoices, vouchers, and subvouchers supporting accounts to be filed elsewhere than at the headquarters of the experiment station, it has been agreed that, for the purposes of ordinary routine examination of the accounts, certified copies of the original vouchers and subvouchers and all supporting details, accompanied by the canceled payment checks showing the invoices

covered, will be accepted. If for like reasons the canceled checks are not kept at the experiment station, a duly certified list of them showing the number of each check, the amount paid, and the payee will ordinarily be accepted as evidence of payment, provided each voucher shows by number or otherwise the check by which it was paid. It is understood, however, that the original vouchers and canceled checks are to be made readily available for examination if requested by the Department's representative.

#### CLASSIFICATION OF ACCOUNTS

The scheme of classification of experiment station accounts, modified to meet the requirements of the system of classification of Government expenditures prescribed by the Office of the Comptroller General and to further the movement for standardizing and unifying the systems of accounting of universities and colleges, provides for 10 ledger headings with a number of subheadings, as follows:

##### **ABSTRACT:**

###### **01. PERSONAL SERVICES:**

- a.* Salaries:
  - 1. Director, other administrative officers.
  - 2. Scientific and technical services.
  - 3. Stenographers, etc.
- b.* Labor:
  - 1. Annual and monthly employees.
  - 2. Daily and hourly employees.

###### **02. SUPPLIES AND MATERIALS:**

- a.* Stationery and office supplies (0200).
  - 1. Printed forms and letterheads (02011).
  - 2. Other stationery (02012).
  - 3. Other office supplies.
- b.* Scientific supplies, consumable.
  - 1. Chemicals and laboratory supplies (0220).
  - 2. Spraying and dusting materials (0220).
  - 3. Photographic supplies (0200).
- c.* Feeding stuffs (0250).
  - 1. Subsistence and care of animals (04).
- d.* Fertilizers (0280).
- e.* Sundry supplies (0280).
  - 1. Lumber and small hardware.
  - 2. Other supplies.
  - 3. Shoeing horses, etc. (04).

###### **05. COMMUNICATION SERVICE:**

- a.* Telegraph (0500).
- b.* Telephone (0510).
- c.* Postage (not parcel post) (0520).
- d.* Other communication service (0520).

###### **06. TRAVEL EXPENSES:**

- a.* In connection with outlying investigations.
- b.* In attendance at meetings of national or regional organizations.

###### **07. TRANSPORTATION OF THINGS:**

- a.* Freight, express, and parcel post.
- b.* Other expenses.

###### **08. PRINTING AND ILLUSTRATING PUBLICATIONS:**

- a.* Printing bulletins and annual reports (0800).
- b.* Lithographing, engraving, and engrossing (0810).
- c.* Stenographic work, typewriting, duplicating, etc. (0820).
- d.* Photographing, making photographs and prints (0830).
- e.* Other expenses.

10. HEAT, LIGHT, WATER, AND POWER:  
 a. Fuel (0230).  
 b. Heat, light, water, and power (service) (10).
13. CONTINGENT EXPENSES:  
 a. Rent of equipment (1110).  
 b. Storage and care of vehicles, etc. (04).  
 c. Advertising (09).  
 d. Other expenses.
30. EQUIPMENT:  
 a. Furniture, furnishings, and fixtures (3010).  
 b. Library (3020).  
 c. Scientific equipment (3020).  
 1. Purchases.  
 2. Rent of computing and similar machines used for scientific purposes (1110).  
 3. Repairs to scientific equipment (12).  
 d. Tools, machinery, and appliances.  
 1. Passenger-carrying vehicles (3000).  
 2. Other equipment (3050).  
 3. Repairs (12).  
 e. Livestock (3040).
31. BUILDINGS AND LAND:  
 a. New buildings and structures (3210).  
 b. Nonstructural improvements (3220).  
 c. Repairs and alterations (12).  
 d. Purchase of land (31).  
 e. Rent of land (1110).  
 f. Rent of laboratory, office space, garage, etc. (1100).

The following list has been prepared to aid accountants so to classify various expenditures as to secure as great uniformity as is practicable in the financial statements of the different experiment stations. It is designed to serve not only as a guide in classifying the items mentioned, but to suggest the classification of others not enumerated, and to provide the greatest possible latitude in classifying expenditures in accordance with the use to which the items purchased are to be put.

*Classification of items of expenditure*

Adding machines.....	Scientific Equipment or Furniture, Furnishings and Fixtures.
Addressing machines.....	Furniture, Furnishings, and Fixtures.
Addressing machine supplies and stencils.....	Stationery and Office Supplies.
Advertising.....	Contingent Expenses.
Agricultural implements and machinery.....	Tools, Machinery, and Appliances.
Animals, care of (service).....	Contingent Expenses.
Animals, small, for experimental purposes.....	Livestock.
Annunciators.....	Furniture, Furnishings, and Fixtures.
Auditing accounts.....	Salaries, Administrative.
Automobiles, passenger.....	Tools, Machinery, and Appliances.
Automobile licenses.....	Contingent Expenses.
Automobile mileage.....	Travel Expenses.
Automobile repairs and accessories.....	Tools, Machinery, and Appliances.
Automobile trucks, storage.....	Contingent Expenses.
Awnings.....	Furniture, Furnishings, and Fixtures.
Bags.....	Sundry Supplies.
Baskets.....	Sundry Supplies.
Bedding materials.....	Sundry Supplies.
Beekeepers' supplies.....	Sundry Supplies.
Bees.....	Livestock.
Bicycles.....	Tools, Machinery, and Appliances.
Blankets, horse.....	Sundry Supplies.
Board of employees temporarily in the field.....	Travel Expenses.
Board of horses and other stock.....	Feeding Stuffs.
Board of laborers when part of wages.....	Labor.
Bookcases and shelves, portable.....	Furniture, Furnishings, and Fixtures.
Books (reference).....	Library.
Bottles for samples, etc.....	Sundry Supplies.
Bottles, museum, chemicals, etc.....	Scientific Supplies.
Breeding cages.....	Scientific Equipment.

Brooders.....	Tools, Machinery, and Appliances.
Brushes, paint.....	Tools, Machinery, and Appliances.
Buckets.....	Sundry Supplies.
Butter for experiments (except for feeding).....	Sundry Supplies.
Butter-making machinery.....	Tools, Machinery, and Appliances.
Calculating machines.....	Scientific Equipment or Furniture, Furnishings, and Fixtures.
Carboys.....	Scientific Equipment.
Card-punching machines.....	Scientific Equipment or Furniture, Furnishings and Fixtures.
Chains, log, stable, etc.....	Tools, Machinery, and Appliances.
Chairs.....	Furniture, Furnishings, and Fixtures.
Cheesecloth.....	Sundry Supplies.
Chicken wire.....	Sundry Supplies.
Churns.....	Tools, Machinery, and Appliances.
Cisterns.....	Buildings and Land.
Coal.....	Heat, Light, Water, and Power.
Cold-storage plants.....	Buildings and Land.
Coolers, milk.....	Tools, Machinery, and Appliances.
Copying machines.....	Furniture, Furnishings, and Fixtures.
Customhouse and port charges.....	Transportation of Things.
Cuts, halftones, etc., illustrations.....	Printing.
Cutters, pipe, glass, etc.....	Tools, Machinery, and Appliances.
Desks.....	Furniture, Furnishings, and Fixtures.
Dictaphones.....	Furniture, Furnishings, and Fixtures.
Diggers, post-hole.....	Tools, Machinery, and Appliances.
Drainage of land.....	Buildings and Land.
Drawing instruments.....	Scientific Equipment.
Drayage.....	Transportation of Things.
Dryers, crop.....	Tools, Machinery, and Appliances.
Duplicating circulars, etc., job work.....	Printing.
Duplicators.....	Furniture, Furnishings, and Fixtures.
Dusters.....	Furniture, Furnishings, and Fixtures.
Dusting machinery and accessories.....	Tools, Machinery, and Appliances.
Eggs for hatching.....	Livestock.
Electric fans.....	Furniture, Furnishings, and Fixtures or Scientific Equipment.
Electric-light bulbs.....	Buildings and Land.
Electric-light fixtures.....	Tools, Machinery, and Appliances.
Electric motors.....	Heat, Light, Water, and Power.
Electric power.....	Buildings and Land.
Electric wiring.....	Tools, Machinery, and Appliances.
Engines.....	Transportation of Things.
Express.....	Tools, Machinery, and Appliances.
Fees, professional.....	Salaries.
Fencing.....	Buildings and Land.
Files, office.....	Furniture, Furnishings, and Fixtures.
Flower pots.....	Sundry supplies.
Food for small experimental animals.....	Feeding Stuffs.
Forces.....	Scientific Equipment.
Founts, poultry.....	Tools, Machinery, and Appliances.
Freight.....	Transportation of Things.
Fumigators.....	Tools, Machinery, and Appliances.
Fungicides.....	Scientific supplies, Consumable
Funnels, laboratory.....	Scientific Supplies.
Gas fixtures.....	Buildings and Land.
Gas machines.....	Tools, Machinery, and Appliances.
Gas mantles and shades.....	Furniture, Furnishings, and Fixtures.
Gasoline for engines, tractors, trucks, etc.....	Heat, Light, Water, and Power.
Gasoline for passenger transportation.....	Travel Expenses.
Grindstones.....	Tools, Machinery, and Appliances.
Hardware, small sundries.....	Sundry Supplies.
Harness.....	Tools, Machinery, and Appliances.
Heat, service.....	Heat, Light, Water, and Power.
Heating apparatus, permanent.....	Buildings and Land.
Hods, coal.....	Furniture, Furnishings, and Fixtures.
Horse hire for work.....	Labor.
Horseshoeing.....	Sundry Supplies.
Hose.....	Tools, Machinery, and Appliances.
Hotbed sash.....	Sundry Supplies.
Ice.....	Sundry Supplies.
Ice boxes.....	Furniture, Furnishings, and Fixtures or Scientific Equipment.
Incubators, poultry.....	Tools, Machinery, and Appliances.
Insecticides.....	Scientific Supplies, Consumable.
Insurance.....	Contingent Expenses.
Irrigation ditches, cleaning.....	Labor.
Irrigation ditches and flumes, permanent.....	Buildings and Land.
Irrigation water.....	Heat, Light, Water, and Power.
Janitor.....	Labor.
Jars, earthen.....	Sundry Supplies.
Kerosene for heaters, lamps, and lanterns.....	Heat, Light, Water, and Power.

Labels, plat, tree, etc.	Sundry Supplies.
Labor, erection of buildings.	Buildings and Land.
Laboratory equipment.	Scientific Equipment.
Ladders.	Tools, Machinery, and Appliances.
Lanterns.	Tools, Machinery, and Appliances.
Laundry and towel service.	Contingent Expenses.
Laundry, in travel status.	Travel.
Light, service.	Heat, Light, Water, and Power.
Linoleum.	Furniture, Furnishings, and Fixtures.
Livery.	Travel Expenses.
Lockers.	Furniture, Furnishings, and Fixtures.
Lumber for buildings and repairs.	Buildings and Land.
Lumber for other purposes.	Sundry Supplies.
Lysimeters built in place.	Buildings and Land.
Maps.	Library or Scientific Supplies.
Meat for feeding.	Feeding Stuffs.
Meat for other purposes.	Scientific Supplies.
Medicines.	Sundry Supplies.
Membership fees in lieu of subscriptions.	Library.
Milk for experiments (except for feeding).	Scientific Supplies.
Milk for feeding.	Feeding Stuffs.
Milking machines.	Tools, Machinery, and Appliances.
Mimeographing, job work.	Printing.
Mimeographs, including stands and motors.	Furniture, Furnishings, and Fixtures.
Motorcycles.	Tools, Machinery, and Appliances.
Multigraphing, job work.	Printing.
Multigraphs.	Furniture, Furnishings, and Fixtures.
Nozzles.	Tools, Machinery, and Appliances.
Office supplies.	Stationery and Office Supplies.
Oil, lubricating.	Sundry Supplies.
Oil for heating.	Heat, Light, Water, and Power.
Orchard heaters.	Tools, Machinery, and Appliances.
Overall suits.	Sundry Supplies.
Paint.	Sundry Supplies.
Paper, blueprint.	Scientific Supplies.
Parcel post.	Transportation of Things.
Pasteurizers, commercial.	Tools, Machinery, and Appliances.
Periodicals.	Library.
Photographic equipment.	Scientific Equipment.
Photographic prints.	Publications.
Photographic supplies, films, plates, etc.	Scientific Supplies.
Plate glass for tables.	Furniture, Furnishings, and Fixtures.
Platinum ware.	Scientific Equipment.
Postage.	Communication Service.
Postal guides.	Library.
Post-office box rent.	Communication Service.
Poultry.	Livestock.
Poultry buildings, portable.	Tools, Machinery, and Appliances.
Presses, cheese.	Tools, Machinery, and Appliances.
Presses, laboratory.	Scientific Equipment.
Pruning shears, etc.	Tools, Machinery, and Appliances.
Pulleys.	Tools, Machinery, and Appliances.
Pumping plants.	Buildings and Land.
Pumps, spray, well, etc.	Tools, Machinery, and Appliances.
Railroad guides.	Library.
Reels, hose.	Tools, Machinery, and Appliances.
Refrigerating apparatus and machinery, laboratory.	Scientific Equipment.
Registry of animals.	Contingent Expenses.
Rent of cold storage and the like, temporary.	Contingent Expenses.
Rent of equipment.	Contingent Expenses.
Rent of garage.	Buildings and Land.
Rent of garage, in travel status.	Travel Expenses.
Rent of laboratory and office space.	Buildings and Land.
Rent of land.	Buildings and Land.
Rent of office machines.	Contingent Expenses.
Repairs.	Scientific Equipment, Tools, Machinery, and Appliances, or Buildings and Land.
Reprints of scientific papers for distribution.	Printing.
Reservoirs for water storage.	Buildings and Land.
Rules, slide.	Scientific Equipment.
Safes, office.	Furniture, Furnishings, and Fixtures.
Scales, feed, milk, etc.	Tools, Machinery, and Appliances.
Scales, wagon or stock.	Buildings and Land.
Screens, window.	Furniture, Furnishings, and Fixtures.
Seeds.	Sundry Supplies.
Separators.	Tools, Machinery, and Appliances.
Serum, vaccine, etc.	Scientific Supplies.
Sewers.	Buildings and Land.
Shades, cloth.	Sundry Supplies.
Shades, window.	Furniture, Furnishings, and Fixtures.
Shelving, portable.	Furniture, Furnishings, and Fixtures.
Specimen jars.	Scientific Supplies.
Sprayers and accessories.	Tools, Machinery, and Appliances.

Spraying materials.....	Scientific Supplies, Consumable.
Sprinklers.....	Tools, Machinery, and Appliances.
Stands, mimeograph, typewriter, etc.....	Furniture, Furnishings, and Fixtures.
Stepladders.....	Furniture, Furnishings, and Fixtures.
Sterilizing outfit, commercial.....	Tools, Machinery, and Appliances.
Stoves.....	Furniture, Furnishings, and Fixtures.
Subscriptions to scientific journals.....	Library.
Tables.....	Furniture, Furnishings, and Fixtures.
Tarpaulins.....	Sundry Supplies.
Telegraph.....	Communication Service.
Telephone.....	Communication Service.
Terracing.....	Buildings and Land.
Tool cases.....	Tools, Machinery, and Appliances.
Tools, small, hand.....	Tools, Machinery, and Appliances.
Towels.....	Sundry Supplies.
Troughs.....	Tools, Machinery, and Appliances.
Trucks, hand and motor.....	Tools, Machinery, and Appliances.
Tubing, glass or rubber.....	Scientific Supplies.
Typewriter supplies.....	Stationery and Office Supplies.
Typewriters.....	Furniture, Furnishings, and Fixtures.
Ultraviolet-light apparatus.....	Scientific Equipment.
Vacuum cleaners.....	Furniture, Furnishings, and Fixtures.
Vats, creamery.....	Tools, Machinery, and Appliances.
Vehicles, storage and care of (service).....	Contingent Expenses.
Wagons and carts.....	Tools, Machinery, and Appliances.
Water registers.....	Scientific Equipment.
Wells.....	Buildings and Land.
Windmill, tank, and pump.....	Buildings and Land.

#### DIMINISHMENT, LOSS, OR MISUSE OF FUNDS

Section 3 of the so-called Adams Act of March 16, 1906 (34 Stat. 63), which provides for an increased annual appropriation for agricultural experiment stations, requires that such part of the money appropriated under the provisions of said act as may be diminished or lost or misappropriated after being received by the officer of the State or Territory designated to receive same must "be replaced by said State or Territory to which it belongs, and until so replaced no subsequent appropriation shall be apportioned or paid to such State or Territory"; and this requirement is an absolute prohibition upon the apportionment until such replacement is actually made, a mere withholding from the subsequent appropriation of an amount equal to that diminished, lost, or misappropriated not being in compliance with said statute. (18 Comp. Dec. 120.)

There is "no limitation on time within which the replacement shall be made," but "no apportionment whatever can be made until the misappropriated moneys are replaced." (Comp. Dec., Dec. 27, 1911.)

Section 3 of the Purnell Act is identical with section 3 of the Adams Act so far as it refers to the diminishing, loss, or misappropriation of the funds appropriated. It states that—

if any portion of the moneys received by the designated officer of any State or Territory for the further and more complete endowment, support, and maintenance of agricultural experiment stations as provided in this act shall by any action or contingency be diminished or lost or be misappropriated, it shall be replaced by said State or Territory to which it belongs, and until so replaced no subsequent appropriation shall be apportioned or paid to such State or Territory.

#### UNEXPENDED BALANCES OF FEDERAL FUNDS

Section 6 of the Hatch Act provides that—

whenever it shall appear to the Secretary of the Treasury from the annual statement of receipts and expenditures of any of said stations that a portion of the preceding annual appropriation remains unexpended, such amount shall be deducted from the next succeeding annual appropriation to such station, in order that the amount of money appropriated to any station shall not exceed the amount actually and necessarily required for its maintenance and support.

A ruling of the Comptroller General (18 Comp. Dec. 485) says—

The provision in the Hatch Act of March 2, 1887 (24 Stat. 440), requiring the deduction of unexpended apportionments of appropriations applies also to appropriations under the Adams Act of March 16, 1906 (34 Stat. 63).

Since the Purnell Act supplements the Hatch and Adams Acts, it is to be assumed that the above decision of the Comptroller General regarding the disposal of unexpended balances applies also to the Purnell Act. Such unexpended balances must be accounted for as a part of the appropriation for the next succeeding year; in short, each station must account every year for the specific sum (\$90,000) provided by Congress, although the amount actually paid to the station in any one year may be less than \$90,000 on account of the deduction of an unexpended balance for the preceding fiscal year.

#### ACCRUED INTEREST ON FEDERAL FUNDS

The Comptroller General, under date of January 16, 1933, ruled as follows:

It is apparent \* \* \* that the United States in paying the [Hatch, Adams, and Purnell] funds to the States for the purposes for which made available, does not relinquish control of the funds but merely advances the funds to a designated custodian of the State to be expended for certain given purposes. Under such circumstances, what is said in decision 24 Comp. Dec. 403, and subsequent decisions with respect to other cooperative funds paid to the several States and Territories, is equally applicable in connection with the funds now under consideration. In these cases, as in the case herein cited, the gifts to the various States are not absolute but are gifts conditioned on the disbursements being made therefrom for the specific purposes for which the sums are allotted to the States. The fact that the acts speak of *grants of money* and as *moneys belonging to the State* after the allotments have been paid, does not change the fundamental nature of the relationship between the funds advanced and the United States. It is to be assumed that in the event the funds are not used as provided in the various laws under which the funds are made available, the penalties are for application and the action therein provided is for enforcement, notwithstanding, under the several acts, if the States comply with the several provisions of law, the funds may belong, in fact, to the State.

Accordingly \* \* \* I have to advise that the interest accruing upon all such funds as referred to in your letter is interest accruing to the United States and should be covered into the Treasury as miscellaneous receipts. \* \* \* The funds in question should be deposited by such treasurers in banks as custodians for funds of the United States and any interest accruing thereon should be for disposition as herein indicated.

In a further decision dated March 22, 1933, rendered in reply to a request of the Secretary of Agriculture, dated February 20, 1933, for a more detailed interpretation of features of the above decision, regarding accrued interest on Federal funds, the Comptroller General says—

The collection of such interest should \* \* \* be through the agencies of your department having direct control of the funds under the appropriations as originally made. \* \* \* In order to facilitate the accounting for the interest which may accrue on Federal funds, the State authorities should be required to keep separate deposit accounts with the banks in which deposit accounts are maintained. This will at all times show what interest has accrued to the Federal Government on funds deposited with the bank. \* \* \* An accounting for interest accruing on the funds once every year at the close of the fiscal year will be a satisfactory accounting for such funds. \* \* \* The expression "deposited by such treasurers in banks as custodians for funds of the United States," \* \* \* has reference to and means the person or persons to whom the money was advanced by the Federal Government. Such persons are the custodians for the funds and while there are no designated depositaries in which

the deposit accounts should be maintained, the custodian is held responsible for the accounting of such interests as may be credited to the account by the bank in which the deposit account is maintained. \* \* \*

The custodians should be advised that a proper accounting should be rendered at the close of each fiscal year so that proper consideration may be given to the allotment of funds to the State, or subdivision of the State handling the funds, for the succeeding fiscal year.

In subsequent rulings, July 13 and September 15, 1933, the Comptroller General reaffirmed his ruling that separate deposit accounts for the Federal funds must be maintained. He says:

It would appear that the keeping of separate deposit accounts would be essential for a proper segregation of interest-bearing and noninterest-bearing funds, [and] since the funds in question are to be considered as funds of the United States until expended by the educational institutions to which intrusted for safekeeping and expenditure, no reason appears why separate accounts should not be maintained even if no interest accrues thereon. (See also pp. 20 and 24.)

The following are extracts from a letter of the Acting Secretary of Agriculture to presidents of land-grant colleges, dated April 27, 1933:

By decision A-46031, under date of January 16, 1933, the Comptroller General of the United States ruled that interest accruing upon all such funds as those provided under the Hatch Act, Adams Act, Purnell Act \* \* \* is interest accruing to the United States and should be covered into the Treasury of the United States as miscellaneous receipts. \* \* \*

Interest must be accounted for and covered into the Treasury of the United States at the close of the fiscal year, June 30, 1933, and thereafter annually on the corresponding date. \* \* \*

In order to facilitate accounting for the interest which may accrue on these Federal funds, a deposit account, for experiment station funds, under the Hatch, Adams, and Purnell Acts, should be established and maintained separate from all other funds. \* \* \* The person duly appointed to receive the \* \* \* experiment station \* \* \* funds, pursuant to the Federal Acts named, will be held responsible for the accounting of such interests as may be credited to the account by the bank or banks in which the deposit account is maintained.

#### ADJUSTMENT OF REDUCTIONS OF SALARIES PAID FROM FEDERAL FUNDS

In any salary adjustments involving the Federal Hatch, Adams, and Purnell funds, the first essential which should be kept in mind is that no portion of these funds can be used legally, either directly or indirectly, for any purpose other than proper activities of the experiment station. If, for example, a salary reduction applies to a staff member who is devoting part time to teaching and part time to the station for which salary is paid from Federal funds, the total salary reduction should not be taken from the portion paid from State funds and the staff member be allowed to continue the same proportion of his time on teaching duties. There would be no choice but to expect that time devoted to research is in proportion to the percentage of salary paid from the Federal funds, and in the case of reduction in salaries this principle must be adhered to uniformly and constantly. In the case of workers on the experiment station staff receiving full salary from Federal funds, the saving resulting from salary reductions is available only to be budgeted and expended by the station director for the purposes specified in the several Federal acts.

Where voluntary contributions are made to group insurance or to other purposes by experiment station employees receiving all or part

of their salary from Federal funds, the Federal pay check must be in full and correspond with the entry for the item in the records of the accounts. The disbursing officer must not deduct the amount of the voluntary contribution from the Federal salary checks. Such contribution should be made by the staff member and not deducted from the salary check, since the checks issued constitute the basis upon which the Department of Agriculture reports the total necessary proper expenditures. (See letter of the Chief of the Office of Experiment Stations to the director of the Maine Station, of Feb. 3, 1933.)

#### LIMITING EXPENDITURES TO THE FISCAL YEAR

Expenses incurred by an agricultural experiment station in any one fiscal year to be paid from the funds provided under the act of Congress of March 2, 1887 (Hatch Act), and supplementary acts, should not exceed the amount appropriated to the station by Congress for that year. The several appropriations for experiment stations under the aforesaid acts are for 1 year only, and the officers of experiment stations have no authority to contract for expenditures beyond the year for which Congress has made appropriations.

This is plainly implied in the act of 1887 aforesaid, inasmuch as section 6 provides that unexpended balances shall revert to the Treasury of the United States, "in order that the amount of money appropriated to any station shall not exceed the amount actually and necessarily required for its maintenance and support." (See Department of Agriculture ruling, Mar. 10, 1896.)

#### ANTICIPATION OF FIRST QUARTER PAYMENTS

The fiscal year commences on the 1st day of July, corresponding with the fiscal year of the Government.

An agricultural station entitled to the benefits of \* \* \* appropriations made by Congress can anticipate the payment to be made July 1, and make contracts of purchases prior to that time, if it shall be necessary to carry on the work of the station. Of course, no portion of said appropriations paid in quarterly installments can be drawn from the Treasury unless needed for the purposes indicated in the act; and so much of what is so drawn as may not have been expended within the year must be accounted for as part of the appropriation for the following year. (Treasury Department ruling, Aug. 2, 1888.)

#### BORROWING MONEY

Experiment station officers have no authority to borrow money to be repaid out of appropriations made under the act of Congress of March 2, 1887, and \* \* \* charges for interest cannot properly be made against funds appropriated under that act. (Department of Agriculture ruling, Mar. 10, 1896.)

The above ruling is held to apply under the Adams and Purnell Acts as well as under the Hatch Act.

#### FREE MAILING PRIVILEGE

#### PUBLICATIONS SOLD MAY NOT BE FRANKED

Copies of the reports or bulletins of the agricultural experiment stations which are purchased, paid or subscribed for, or otherwise disposed of for gain, when sent in the mails are not entitled to free carriage under the "frank" of the director of the station. (Post Office Department ruling, Dec. 2, 1895.)

This ruling is held to apply only to publications printed and distributed with Federal funds.

Section 622 of the Postal Laws and Regulations (1932) of the United States, relating to the free transmission of reports and bulletins of the experiment stations, reads as follows:

**TO WHOM PUBLICATIONS MAY BE FRANKED**

Bulletins or reports of progress \* \* \* published at agricultural experiment stations (established under the provisions of the act of March 2, 1887, in connection with colleges endowed under provisions of the act of July 2, 1862), one copy of which shall be sent to each newspaper in the States or Territories in which they are respectively located and to such individuals actually engaged in farming as may request the same \* \* \* and the annual report of said stations shall be transmitted in the mails of the United States free of charge for postage under such regulations as the Postmaster General may from time to time prescribe.

**HOW THE FRANKING PRIVILEGE IS TO BE USED**

2. An agricultural experiment station which claims the privilege of transmitting free through the mails, under the provisions of this section, bulletins, reports of progress or annual reports, shall make application to the Third Assistant Postmaster General, Division of Classification, through the postmaster at the office where such station is located, stating the date of the establishment of the station, its proper name or designation, its official organization and the names of its officers, the name of the university, college, school, or institution to which it is attached, if any, the legislation of the State or Territory providing for its establishment and any other granting it the benefits of the acts of Congress referred to in this section, and whether any other such station in the same State or Territory is considered, or claims to be, also entitled to the privilege; and also the place where such station is located and the name of the post office where the bulletins and reports will be mailed. The application shall be signed by the officer in charge of the station.

3. If such privilege is allowed, the postmaster shall be instructed to admit such bulletins and reports to the mails free of postage.

4. Only bulletins or reports issued after an experiment station has become entitled to the privilege of this section may be transmitted free; and they may be inclosed in envelopes or wrappers, sealed or unsealed. On the exterior of every envelope, wrapper or package and over the words "Free—Annual report, or Bulletin, or Report of Progress," shall be printed the name of the station and the name of the post office at which the matter is to be accepted free, followed by the name and title of the officer in charge of the station, and in the upper right corner the words "Penalty for private use to avoid payment of postage, \$300." The designation of the bulletin or report inclosed may be shown in lieu of the words "Annual Report, or Bulletin or Report of Progress" following the word "Free." There may also be written or printed upon the envelope or wrapper a request that the postmaster at the office of delivery notify the mailing station of the change of address of the addressee, or other reason for inability to deliver the same, and upon a bulk package a request to the postmaster to open and distribute the matter therein, in accordance with the addresses thereon.

**DEPARTMENT OF AGRICULTURE BULLETINS MAY BE FRANKED WITH STATION PUBLICATIONS**

5. Bulletins published by the United States Department of Agriculture and entitled to be mailed free under the penalty envelope of that department may also be adopted and mailed by agricultural experiment stations with such of their own publications as are entitled to free transmission in the mails, under the same regulations; and any bulletins or reports mailable free by any agricultural experiment station under these regulations may be so mailed by any other station entitled to such privilege.

**REPORTS OF STATE BOARDS OR DEPARTMENTS OF AGRICULTURE**

6. If annual reports of an agricultural experiment station are printed by State authority and consist in part of matter relating to the land-grant college to which such station is attached, then said report entire may be mailed free by the director of the station provided, in his judgment, the whole consists of useful information of an agricultural character. But the reports of State agricultural departments or boards may not be adopted by agricultural experiment stations in order to secure free circulation of such State reports.

**FREE DISTRIBUTION OF ANNUAL REPORTS NOT RESTRICTED**

7. The bulletins and reports of progress issued by agricultural experiment stations may be sent free only to the newspapers and persons stated in [par. 1, p. 33]. The annual reports may be sent free to any address.

**FREE TRANSMISSION TO UNITED STATES POSSESSIONS**

Any article entitled to transmission free of postage in the domestic mails of the United States, either in a "penalty" envelope or under a duly authorized "frank", shall be entitled likewise to transmission in the mails free of postage between places in any possession of the United States, from one to another of such possessions, from the United States to such possessions, and from such possessions to the United States; also from the United States to Canada, Cuba, Mexico, Newfoundland, and the Republic of Panama. Official matter may not be sent free by air mail but is chargeable with postage at the air-mail rates. (U.S. Official Postal Guide, July 1933, p. 21.)

**TRANSMISSION TO FOREIGN COUNTRIES**

A part of section 2203 of the Postal Laws and Regulations in effect October 1932 reads as follows:

The exchange of all mailable matter in the regular (not parcel post) mails between the United States and foreign countries is governed by the Universal Postal Union Convention and other conventions in force.

**RETURN AND DISPOSAL OF UNCLAIMED MAIL MATTER**

Paragraph 2 of section 805, Postal Laws and Regulations, 1932, reads as follows:

Unclaimed official mail sent under penalty envelope or label, or the frank of a Member of Congress, and unclaimed reports and bulletins sent out from State agricultural colleges (in accordance with sec. 620) and from agricultural experiment stations (as provided in par. 3, sec. 622) shall be returned to the office of mailing if it is known. If the office of origin cannot be ascertained, such mail shall be returned to the post office at Washington, D.C.

**FRANKS MAY NOT BE USED FOR RETURN OF UNUSED BULLETINS**

The Third Assistant Postmaster General ruled September 9, 1933, that the return by a station to other stations free of postage under the penalty privilege of copies of bulletins received therefrom and for which there is no longer any use by the returning station is not permissible.

**BULLETINS MAY NOT BE FRANKED TO NEWSPAPERS OUTSIDE OF STATE OF ISSUE**

Bulletins are not mailable free to newspapers outside of the State or Territory in which the issuing station is located. (See Post Office Department ruling, Feb. 21, 1917.)

**TYPEWRITTEN OR MECHANICALLY DUPLICATED BULLETINS OR REPORTS MAY BE FRANKED**

Station bulletins and reports, consisting of typewritten matter or such matter duplicated on a mimeograph or other duplicating machine, "retain their character as free matter when properly franked by the director of the station." (See Post Office Department ruling, Mar. 25, 1896.)

**HOW CARD BULLETINS MAY BE FRANKED**

Cards upon which are printed bulletins issued by agricultural experiment stations established under the provisions of the act of March 2, 1887, may be sent openly in the mails, free of postage, provided the address side of such card bears the indicia prescribed in paragraph 4, section 622, Postal Laws and Regulations, 1932 (p. 33), for envelopes used by the experiment stations referred to in mailing copies of their bulletins and reports. (See Post Office Department ruling, Oct. 13, 1924.)

**CARDS ANNOUNCING PUBLICATIONS NOT FRANKABLE**

There is no provision of law for mailing free of postage postcards announcing the issuance of publications; but announcements giving an abstract or brief account of publications may be franked. Cards of this character, prepared in the form of bulletins or reports of the experiment stations and identified as such by means of the prescribed indicia, may be mailed by the directors of the experiment stations under the free mail privilege enjoyed by them. There is no objection to stating on such cards, in connection with the abstract or summary, that the complete reports may be obtained on application. (See Post Office Department ruling, Oct. 13, 1924.)

**SEPARATE LISTS OF STATION PUBLICATIONS NOT FRANKABLE**

The Post Office Department rules that—

while the subject matter thereof [referring to a station bulletin] is regarded as being properly mailable free of postage, under the frank of the director, the card inclosed therewith giving a list of publications issued by the experiment station is not entitled to be so mailed. (Letter Third Assistant Postmaster General, May 8, 1930.)

**FRANKS MAY NOT BE USED FOR THE RETURN OF QUESTIONNAIRES**

There is no provision of law under which Agricultural Experiment Stations \* \* \* may furnish franked cards to persons from whom information is desired, for the purpose of being used in transmitting such information in the mails free of postage. (Letter Third Assistant Postmaster General, May 14, 1903.)

**MAILING REPRINTS FROM OUTSIDE JOURNALS**

The station frank cannot be used in mailing separates of station papers published in outside journals unless the cover is printed by the station and shows the paper to be clearly a station publication, with no mention of the journal either there or on the title page of the paper. (Informal decision of the Post Office Department. See letter of Chief of the Office of Experiment Stations, Dec. 16, 1916.)

**WEIGHT LIMITATIONS FOR MAILABLE MATTER**

Section 618, Postal Laws and Regulations, 1932, reads as follows:

No article or package exceeding 4 pounds in weight shall be admitted to the mails under the penalty privilege except postage stamps, stamped envelopes, newspaper wrappers, postal cards, internal-revenue stamps, single books weighing in excess of that amount, and books and documents published or circulated by order of Congress, or printed or written official matter emanating from any of the departments of the Government, or from the Smithsonian Institution.

2. Official matter exceeding 4 pounds in weight which is not embraced within these exceptions shall not be accepted for mailing free of postage under a penalty envelope or label, but, if it does not exceed the limit of weight prescribed by section 569 [relating to fourth-class matter], shall be accepted at the rates of postage prescribed for fourth-class matter, regardless of its character or kind, including written official matter, whether sealed or unsealed.

**PUBLICATIONS CARRYING SLOGANS AND SIMILAR MATTER MAY NOT BE FRANKED**

The Solicitor of the Department of Agriculture, in a letter to the Chief of the Office of Experiment Stations, of November 3, 1933, expressed the opinion that the printing of slogans or other expressions on the backs of bulletins or reports of progress published by an experiment station which are no proper part of such bulletins or reports of progress voids the franking privilege which these bulletins would otherwise enjoy.

**RENEWAL OF AUTHORIZATION FOR USE OF FREE MAILING PRIVILEGE**

The Post Office Department ruled March 31, 1928, that since the right to exercise the free mailing privilege is vested in the station and not in the director or other officer in charge of the station, further authorization in the case of a change in the director or officer in charge is not necessary.



